

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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|---------------------------|----------------|--------------------|
| -----X | Docket# | |
| UNITED STATES OF AMERICA, | : | 10-cr-594 (ERK) |
| | : | |
| - versus - | : | U.S. Courthouse |
| | : | Brooklyn, New York |
| JOSEPH YANNAI, | : | |
| Defendant | : | May 23, 2011 |
| -----X | | |

TRANSCRIPT OF CRIMINAL CAUSE FOR JURY TRIAL
BEFORE THE HONORABLE EDWARD R. KORMAN
UNITED STATES SENIOR DISTRICT JUDGE

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1 THE CLERK: United States of America v. Joseph
2 Yannai.

3 Your appearances, counsel.

4 MR. SPECTOR: Good morning, your Honor. Daniel
5 Spector for the government.

6 MS. STONE: Audrey Stone for the government.

7 MS. JAGER: And Hilary Jager for the United
8 States.

9 Good morning, your Honor.

10 THE COURT: All right. Has there been anything
11 in the newspaper since the jury was selected?

12 MR. SCHNEIDER: Yes.

13 THE COURT: It has. All right.

14 MR. SCHNEIDER: Federal Defenders by Michael
15 Schneider for Mr. Yannai.

16 MS. CESARE: Heidi Cesare Federal Defenders.

17 MR. SILVERMAN: Ben Silverman for Mr. Yannai.

18 MS. CESARE: Good morning, Judge.

19 THE COURT: All right. Bring in the jury.

20 THE CLERK: Judge, the record should reflect
21 that there was a request by alternate number 3 to be
22 excused. I have a letter form her employer. Counsel had
23 indicted that they have no problem excusing her and I did
24 so down in the jury room.

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1 (Jury enters the courtroom.)

2 THE CLERK: Please be seated.

3 THE COURT: Ladies and gentlemen, during the
4 jury selection process, Judge Pollak who selected the
5 jury instructed you that you are not to view any media
6 regarding this case. And this prohibition included
7 newspapers, radio, television and the internet. Has
8 anyone seen any news about this case since you were last
9 here on May 9, 2011?

10 (No response.)

11 THE COURT: Any reason why the jury should not
12 be sworn?

13 MR. SCHNEIDER: No.

14 MS. STONE: No, your Honor.

15 THE COURT: Okay. Could you swear the jury?

16 (JURY SWORN)

17 THE COURT: Ladies and gentlemen of the jury,
18 we're about to begin this trial of this criminal case of
19 which you have heard something during the process of jury
20 selection. Before the trial begins, however, there are
21 certain things I wish to tell you which will help you
22 understand what will be presented before you and how you
23 should conduct yourselves during the trial.

24 To begin with, you are here to administer
25 justice in this case according to the law and the

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1 evidence with complete fairness and impartiality and
2 without bias, prejudice or sympathy for or against the
3 government or the defendant.

4 This is important to the defendant who is
5 charged with a crime and has the constitutional right to
6 receive a fair trial. The case is also important to the
7 government since the enforcement of the criminal laws is
8 important.

9 This case is based on an indictment which was
10 read to you by the magistrate and to which the lawyers
11 will refer during their opening statements and which you
12 will have in the jury room when you deliberate.

13 An indictment is simply the document by which a
14 criminal action is commenced. It is merely an
15 accusation, a charge. It is not evidence of the
16 defendant's guilt. Since the defendant has pleaded not
17 guilty, the government has the burden of proving each of
18 the essential elements in the indictment beyond a
19 reasonable doubt. And the purpose of this trial is to
20 determine whether the government can meet its burden of
21 proof.

22 A defendant does not have to prove his
23 innocence. On the contrary, the defendant is presumed to
24 be innocent of the accusations contained in the
25 indictment.

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1 The trial will proceed in the following order.
2 The parties will have an opportunity to make opening
3 statements. The government will make such a statement.
4 Then the defendant, though he is not obliged to, may
5 through his attorney, make such a statement or may defer
6 it until the end of the government's case. What is said
7 in these statements is not evidence but simply an
8 introduction to the evidence which the parties intend to
9 produce.

10 Second, the government will introduce evidence
11 in support of the charges and then the defendant may
12 present evidence but is not required to do so. The
13 burden is always on the government to prove every element
14 of the offense charged beyond a reasonable doubt. The
15 law never imposes on the defendant in a criminal case the
16 burden of calling any witnesses or of introducing any
17 evidence at all.

18 Fourth, after all of the evidence has been
19 presented, each party has the opportunity to present
20 argument in support of their case. What is said in these
21 arguments is not evidence. They simply present to you
22 the contentions of the parties as to what the evidence
23 has shown and the inferences that may be drawn from the
24 evidence.

25 The government will have the right to make the

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1 open and closing argument. The government gets to make
2 the closing argument because it has the burden of proof,
3 and is therefore entitled to the last word in the process
4 of summations.

5 Finally, I will instruct you on the applicable
6 law and you will then retire to consider your verdict.
7 Your verdict must be unanimous as to each count of the
8 indictment and regardless of whether the verdict is
9 guilty or not guilty.

10 You have a tremendously important task as
11 jurors. It is to determine the facts. Our Constitution
12 gives the defendant a right to have you, who are members
13 of the community, find those facts. You, and not I, are
14 the sole judges of the facts. I shall try to preside
15 impartially and not to express any opinion concerning the
16 facts.

17 However, if at any time I should make a comment
18 with respect to the facts, you may disregard it. It is
19 your judgment as to the facts, not mine which controls.
20 As the sole judge of the facts, you must determine which
21 of the witnesses you believe, what portion of their
22 testimony you accept and what weight you attach to it.

23 Where an objection to a question is sustained,
24 you should disregard the question and draw no inference
25 from its wording about the answer that might have been

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1 given. Where the question was answered before the
2 objection was sustained, you should ignore the answer.
3 Where an objection is overruled, evidence then received
4 has no special weight just because it was unsuccessfully
5 objected to.

6 You must not consider anything you may have
7 heard or read about the case outside the courtroom
8 whether before or during trial. And specifically, I also
9 instruct you that you are prohibited from discussing this
10 case with anyone until the case is over. This means that
11 you cannot talk about it in person, over the phone or by
12 e-mail. You cannot discuss the case in any way on
13 Facebook, My Space, Twitter or any other special social
14 media account until the case is over. In other words,
15 please do not make any internet communications or posting
16 about this case or your role as jurors. There can't be
17 any communications oral or over the internet about this
18 case while the trial is going on.

19 And please, finally, do not do any internet
20 research. The case must be decided solely on the basis
21 of the evidence that you hear in this courtroom.

22 Now the instruction that I gave you that you
23 should not discuss the case with anyone until the case is
24 over, that that may sound counterintuitive. Sitting on a
25 jury is an interesting experience. It's a unique

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1 experience and it's really something that you do want to
2 talk to people about. And the reason we ask you not to
3 is that we're concerned about the influence that other
4 people will have over you who are not in the courtroom
5 and haven't heard all the evidence. If you start talking
6 about the case, people start giving you their own
7 opinions and before you know it, you know, you have a
8 thirteenth, fourteenth, fifteenth or twentieth juror.
9 And we want you to decide the case based solely upon what
10 you hear in this courtroom.

11 You should also not discuss the case amongst
12 yourselves during the course of the trial and that's
13 counterintuitive, ladies and gentlemen because what
14 brings you here together is this case and that for the
15 moment is all that you may have in common. And since
16 you're sitting here listening to evidence, during a
17 recess or while you're waiting for court to begin, it's
18 only natural that when you might want to talk about the
19 case and we ask you not to do that for the same reason I
20 asked you not to talk to anyone else about the case. If
21 you start talking with each other before the case is
22 over, you may come to some conclusions which are
23 preliminary but which may affect your judgment before
24 you've heard all of the evidence, the lawyers' arguments
25 and my instructions on the law. So, I ask you not to

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1 discuss the case among yourselves and that's the common
2 sense rule. What I mean by that is don't talk about
3 whether you believe a witness or disbelieve a witness, or
4 whether you think the defendant is guilty or not guilty.
5 That doesn't mean you can't discuss what the courtroom
6 looks like, what the lawyers look like. It's a common
7 sense rule which I have given you which is intended
8 really to prevent you from discussing the merits of the
9 case before you've heard all the evidence.
10 Now, no statement, ruling, remark or comment which I may
11 make during the course of the trial is intended to
12 indicate any opinion as to how you should decide the case
13 or influence you in any way in your determination of the
14 facts.

15 At times, I may ask questions of witnesses. If
16 so, it is for the purpose of bringing out matters which I
17 feel should be brought out or clarified and not in any
18 way to indicate an opinion about the facts or to indicate
19 the weight that you should give to the testimony of the
20 particular witness.

21 Now, there are several rules which should
22 govern your conduct during any recesses. You will not be
23 required to remain together while the court is in recess
24 but you are required to follow these instructions about
25 recesses about recesses.

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1 First, do not discuss the case amongst
2 yourselves or with anyone else, as I told you. You should
3 keep an open mind reaching your conclusion, only during
4 your final deliberations and after all the evidence is in
5 and you have heard the attorney's summations and my
6 instructions on the law, and then only after an
7 interchange of views with other members of the jury.

8 Second, do not permit any other person to
9 discuss the case in your presence and if anyone does that
10 even though you tell them not to, you should also report
11 that fact to me. You can tell my case manager, Paula
12 Susi or one of my law clerks. You should not, however,
13 discuss with your fellow jurors either that fact or any
14 other fact that you feel necessary to bring to my
15 attention.

16 And third, though it is a normal human reaction
17 to talk with people with whom one is thrown into contact,
18 please do not do so whether in the courtroom, in the
19 hallways, in the elevator, outside or anywhere else with
20 any of the parties or their attorneys or any witness.
21 By this I mean not only do not talk about the case but do
22 not talk at all, even to pass the time of day.

23 Those of you who have been selected as
24 alternate jurors should listen just as carefully and as
25 conscientiously as the other jurors. You may very well

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1 be called upon prior to the conclusion of the case to
2 take the place of one of the jurors. And then you will
3 have to render a verdict. So, please pay strict
4 attention at all times.

5 Ladies and gentlemen, I understand the
6 magistrate told you that we would be sitting until 5:15.
7 That was not what I told her she should say. I try to
8 move this case as quickly as possible. Sometimes if I can
9 finish a witness by staying a little bit later and not
10 have to bring the witness back, I do that partly out of
11 courtesy to the witness and partly out of desire to move
12 the trial along.

13 If I stay here a little later every day it
14 means we'll finish earlier. And so, I use my judgment
15 about when we recess. I don't have a strict time to
16 recess. And I would also appreciate if that nobody --
17 there are at least two jurors who were not here by 10
18 o'clock when I wanted to start and that makes it also
19 difficult for me to -- I don't scream at jurors who are
20 late. I urge you to try and be here on time but it also
21 accounts for the fact that sometimes you're going to have
22 to work later. All right.

23 The opening statements -- we'll now begin the
24 opening statements. The first statement will be made by
25 Audrey Stone, who is an Assistant United States Attorney

Ms. Stone - Opening Statement

1 and who will be one of the attorneys trying the case on
2 behalf of the government.

3 MS. STONE: Good morning, your Honor. Thank
4 you. Ladies and gentlemen, from 2003 to 2009, the
5 defendant, Joseph Yannai, lured young women from across
6 the globe to his home in the small town of Pound Ridge,
7 New York. His intent was clear; to use fear, force and
8 coercion to sexually exploit them for his own personal
9 gratification. He lied in order to persuade them to
10 leave their friends and family. He lied about the
11 conditions of employment and he lied about who he was.

12 One woman you're going to hear testify is a
13 woman named Bernadette Herczeg. Bernadette comes from
14 Hungary. She spends about three weeks working and living
15 in the defendant's home. You will hear that over the
16 three weeks, the defendant's abusive conduct escalated.
17 You will hear how the defendant straddled Bernadette's
18 chest and ejaculated on her breasts.

19 Finally, you will learn from the testimony how
20 the defendant's criminal scheme unraveled when Bernadette
21 had the courage to file a report with the local police.

22 As the Judge already stated, my name is Audrey
23 Stone. I'm an Assistant District Attorney and I'm also a
24 special Assistant United States Attorney. Seated with me
25 at counsel table are Daniel Spector and Hillary Jager,

Ms. Stone - Opening Statement

1 two Assistant United States Attorneys. And together, we
2 represent the United States government.

3 Ariel Warner, a legal assistant for the United
4 States Attorney's Office and Special Agent Donna Roethel
5 are also seated with us.

6 Now. Bernadette Herczeg lived and worked for
7 the defendant about three weeks. When the defendant's
8 abuse became more serious, Bernadette knew she needed to
9 make a plan to escape. But what you are going to hear
10 throughout this trial is that Bernadette was not the
11 defendant's first victim. The victims were not there at
12 the same time. You are going to hear from different
13 victims who at different times were recruited by the
14 defendant.

15 The defendant's scheme was a complicated,
16 sophisticated plan where he recruited women to work for
17 him as his personal assistant. The women who were
18 selected by the defendant were often recent high school
19 graduates looking towards the future. You will hear how
20 this defendant preyed on their hopefulness, how he preyed
21 on their naivete.

22 What these women did was they posted a profile
23 on an au pair website. Au pairs work as nannies in host
24 countries. They go abroad. They join a family and for
25 modest pay, they get to see the world. They learn new

Ms. Stone - Opening Statement

1 languages and they often go to school. Each of the
2 victims that testify in this case, you will hear wanted
3 to be selected as au pairs when they posted their
4 profiles on these websites. And they were selected. And
5 they were hired to come to New York, not by a young
6 family but by the defendant, a man in his sixties.

7 One of the ways that the defendant lulled these
8 women into a false sense of security was that when he
9 contacted them, he pretended that he was also a young
10 woman. Sometimes he used the name Sylvia, sometimes the
11 name Joanna and in the e-mails Sylvia and Joanna would
12 say that they were also young women who were the same age
13 as the victims, that they used to work as the defendant's
14 personal assistant.

15 She, Sylvia or Joanna, really the defendant,
16 was looking for a personal assistant for an older,
17 wealthy man who lived outside of New York City. And this
18 personal assistant would work in the home with the
19 defendant and his wife. He would train these women to
20 become successful businesswomen, just like he was a
21 successful businessman. In fact, at times the defendant
22 even promised them a green card.

23 Sitting at his computer in Pound Ridge, the
24 defendant day after day perfected and concocted this
25 scheme. As his assistant, you will hear testimony that

Ms. Stone - Opening Statement

1 the women learned that they would live expense-free at
2 the defendant's home and at the end of the year, if they
3 lasted a year, they would receive a bonus of \$20,000 or
4 sometimes even more. This was an enormous sum, more than
5 these women would have ever hoped to earn in the
6 situations they were currently in.

7 You will also hear how carefully this defendant
8 chose his victims. None of the victims knew and many of
9 them who testified here still don't know, that this woman
10 named Joanna or Sylvia was actually the defendant.

11 So the women get contacted and they make plans
12 to come. In some cases, they finish their school exams.
13 They pack their bags. They left their parents, their
14 friends. They made a leap of faith. You will hear how
15 many of these women wondered, is this too good to be
16 true? How the defendant seems so eager to bring them
17 into his home, to bring them into his family. They had
18 concerns. They had doubts. But then they thought of
19 Joanna and Sylvia and you will also hear from these
20 witnesses that they knew the defendant was married. So
21 they assumed the defendant's wife would be there. And
22 what could possibly happen with her living in the home,
23 as well?

24 The evidence that you're going to hear in this
25 case will show that in arranging the victim's travel, the

Ms. Stone - Opening Statement

1 defendant carefully and explicitly instructed his victims
2 to lie to immigration. He told them to say they were
3 coming to visit friends or family because he knew they
4 would not be allowed to work here. And you will hear how
5 the women did lie and you will hear how the victims who
6 testify have received an immunity letter. And so long as
7 they testify truthfully in court, the government has
8 agreed not to use their statements against them.

9 These women relied upon the defendant who posed
10 as a successful businessman, who promised them that he
11 had a team of lawyers who as soon as they started working
12 would get working on their green card. And you will also
13 hear how the defendant never arranged a green card for a
14 single victim.

15 So, at the airport, you will hear from the
16 defendant's victims that they were met by the defendant.
17 And it is here within the very first hours of their entry
18 into the United States that they started to realize that
19 things were not as they appeared.

20 Many of these women, the defendant kisses and
21 then on the long drive from the airport to Pound Ridge,
22 New York, you will learn that the defendant in many
23 instances, grabbed the women's hand and the women started
24 to wonder why; such a level of familiarity with someone
25 who would be their boss?

Ms. Stone - Opening Statement

1 After the drive, the women all arrived at the
2 defendant's home in Pound Ridge. Now, Pound Ridge is a
3 place very different from Brooklyn and it was very far
4 away from these victims' homes. You will hear testimony
5 during this trial describing Pound Ridge as a rural
6 place. It's a place where the homes are separated by
7 fields and forests. There are no trains in Pound Ridge.
8 No buses. No public transportation. And you're going to
9 hear how the defendant's house is located in the woods.
10 There's not even a sidewalk, no stores nearby, no public
11 phones. And in most cases, there were no people around
12 who spoke these victims' native languages.

13 The defendant didn't lock his door. No. This
14 defendant used a host of tactics; some physical, some
15 psychological, to make these vulnerable victims feel
16 trapped.

17 So at his home, the women quickly learned the
18 rules. They learned how to clean the house, to make his
19 coffee, fix his breakfast. But they also learned other
20 rules, not the normal rules a personal assistant would
21 expect. What they learned very quickly was their phone
22 and e-mail contacts were severely restricted. That the
23 defendant frequently listened in on their calls. They
24 could not wear what they wanted. In fact, they were told
25 they could not wear bras. They had to wear blouses,

Ms. Stone - Opening Statement

1 skirts and high heels to work, even though in many
2 instances you're going to hear how the defendant himself
3 wore a bathrobe all day.

4 So as the women hear these rules, it becomes
5 even clearer to them what the defendant's true intentions
6 were; that he knowingly had persuaded, induced, enticed,
7 and coerced them to travel from abroad in order to
8 sexually exploit them.

9 It also became apparent soon after these women
10 arrived because you will hear the defendant would begin
11 the groping. He grabbed their breasts or buttocks making
12 it clear to them that he had brought them to the United
13 States and to his home to sexually exploit them. This
14 defendant was going to have sexual contact with these
15 women, whether they wanted to or not.

16 Now the first two victims you're going to hear
17 from, Anne Simonsen of Denmark and Laura Ramirez from
18 Mexico, they had the wherewithal to leave very quickly,
19 after the defendant began his groping. You will hear how
20 quickly they returned to their home. They had the money
21 and the wits about them and the wherewithal to realize
22 the dangers posed by the defendant. But you're also
23 going to hear during this trial about the women who
24 stayed. You will hear from these victims for a variety
25 of reasons; their isolation, their fear of the defendant

Ms. Stone - Opening Statement

1 based on his threats, on his physical acts, how these
2 women worked long hours with little time off. And there
3 were the activities that were expected of them when the
4 defendant's wife left every day for work, the demands for
5 sexual activity, bathing the defendant which involved
6 bring him his cigarettes, his coffee, washing him and
7 holding his penis. And when he dried off, performing
8 oral sex.

9 Then there was the expectation to wake him from
10 his daily act. And you will hear testimony of extremely
11 painful experiences as the defendant coerced, pressured
12 and in some cases, forced these women to perform sexual
13 acts in his bedroom following the nap.

14 Now throughout this trial, you might question
15 the choices these young women made. In some instances,
16 you might wonder were they willingly going along with
17 this bargain of the defendant. But in all of these
18 cases, you are going to see how the defendant tricked
19 them, how he manipulated them, and I would ask that as
20 you hear these women testify, remember this trial is not
21 about whether they should have been smarter, whether they
22 should have been stronger. This is about the defendant.
23 This is about the defendant's actions. This is about the
24 defendant's intent.

25 Finally, I just want to review the law with you

Ms. Stone - Opening Statement

1 a little bit. The defendant is charged with seven counts
2 in the indictment and the Judge is going to instruct you
3 on the law as to each and every one of those counts. Let
4 me just go over them briefly.

5 The first count in this indictment is the Mann
6 Act, which charges the defendant that he induced the
7 victims to travel to the United States, so that he could
8 commit sex crimes against them. These sex crimes include
9 sexual abuse, forcible touching and forced oral sex.

10 Now as the Judge is going to tell you at the
11 end of the trial, you're not going to be asked to decide
12 whether the defendant did, in fact, commit sexual
13 criminal offenses. The question you are going to be
14 asked to deliberate is the defendant's intent. What was
15 his intent in convincing these women to travel from
16 abroad, work and live in his home? And the defendant's
17 conduct with every victim that you hear testify where he
18 groped each and every one of them within the first days
19 of their arrival where he continually sexually abused
20 those who stayed, is going to clearly demonstrate to you
21 his intent.

22 Now the defendant is also charged with bringing
23 women into the United States for immoral purposes. And
24 here, the evidence throughout this trial will show that
25 there is no doubt that the defendant's scheme was devised

Ms. Stone - Opening Statement

1 to identify women who he could control and sexually
2 exploit. His immoral purpose was to sexually exploit
3 these women.

4 There are other counts in this indictment
5 involving fraud and labor contracting. And as to this
6 charge, the government will present evidence about how
7 the defendant lied about the job he offered his victims.
8 He lied about who he was when he solicited them. And how
9 he convinced the women under totally false pretenses to
10 work for him.

11 There are also charges of attempted forced
12 labor and forced labor. Now this is not a case, as you
13 just heard me describe, of chains and drugs. There
14 weren't any locked doors in the defendant's house. What
15 you're going to hear about as the proof that the
16 government will present is that this defendant used a
17 variety of tactics. He used fear, psychological
18 coercion, to make his victims believe they had absolutely
19 no choice but to do whatever he demanded, whatever he
20 asked.

21 And finally, the government has charged the
22 defendant with two Immigration crimes. Based on him
23 instructing the victims to lie to Immigration authorities
24 and employing them to work in the United States.

25 Now the government will prove this case using

Ms. Stone - Opening Statement

1 several different ways. You are going to hear directly
2 from the defendant's victims and you are going to meet
3 women who have come literally from across the globe and
4 they are going to testify in painstaking detail to the
5 abuse they suffered from this defendant.

6 We will also have documents, e-mails the
7 defendant exchanged with his victims before they came to
8 the United States where the defendant pretended to be
9 Sylvia or pretended to be Joanna. And how he told these
10 victims to lie to immigration.

11 And you're also going to hear from a state
12 police investigator who is specially trained in computer
13 forensic analysis and that evidence will provide you with
14 concrete evidence from the defendant's own computer that
15 corroborates these charges.

16 This is just some of the evidence you're going
17 to hear. So at this time, I just want to thank you for
18 listening so intently during our opening statement and I
19 ask you to carefully consider the testimony and the
20 evidence you're going to hear. At the end of the trial,
21 my colleagues will have the opportunity to once again
22 address you. And we will ask you at that point to return
23 a verdict of guilty at each and every count. Thank you.

24 THE COURT: Who is going to open? All right.
25 The opening statement on behalf of the defendant will be

Ms. Cesare - Opening Statement

1 made by Ms. Heidi Cesare who represents the defendant.

2 MS. CESARE: Good morning, folks. Thank you
3 for being here. My name is Heidi Cesare. I am sitting
4 at the defense table with the defense team. We have Mike
5 Schneider, Mr. Joseph Yannai and Ben Silverman.

6 The government is going to spend a lot of time
7 telling you about what a bad man Joseph Yannai is.
8 They're going to tell you that they'll present evidence
9 that is going to sum up for sure telling you what a
10 terrible, terrible, bad man he is.

11 Well, maybe it is bad. Maybe from your point
12 of view it is immoral or offensive to hear about a sixty-
13 seven year-old man who is interested in having sexual
14 relations with women who are twenty years-old or twenty-
15 one or twenty-two years old. It's a matter of
16 perspective. It's a matter of personal opinion but it's
17 not particularly unique. It's not unique at all in our
18 society.

19 Most people may be offended by it but we've all
20 known or have got some examples of the May-December
21 relationship. We all know about Bill and Monica
22 Lewinsky, Hugh Hefner, Donald Trump and his many young
23 wives. It's not against the law to be immoral in your
24 sexual relationships.

25 And whatever your moral opinion may be of Mr.

Ms. Cesare - Opening Statement

1 Yannai's sexual behavior or sexual relations with other
2 people is not a matter for your decision-making in this
3 courtroom because this is a court of law. It's not a
4 court of moral opinion.

5 There are two important legal issues in this
6 case which will remain important throughout the course of
7 the case and I would ask you to keep them in mind at all
8 times. The first issue is a matter of intent. What was
9 Mr. Yannai's intent when he invited each particular woman
10 to come to his home and be a personal assistant? You
11 will see from the evidence in this case that his intent
12 when he invited each of the women who will testify in
13 this courtroom, was to hire a young woman who he could
14 persuade to have consensual sexual contact with, who he
15 could persuade to have consensual intimate relations with
16 him once they came to his home.

17 Once there, the other issue is what happened
18 once each woman was there in his home. And the issue --
19 the second issue is whether or not each woman was
20 reasonably free to leave the home. The question is
21 whether an ordinary person in her shoes would have had a
22 reasonable belief that they could leave his home whenever
23 they wished to. And we are convinced that once you hear
24 all the evidence in this case, it will be abundantly
25 clear to you that Mr. Yannai's intent when he hired these

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1 women was to hit on them when they got this home and that
2 once they're in his home, they were at all times free to
3 leave. And, in fact, quite a few did leave.

4 So what will you learn about Joseph Yannai
5 during this trial? One, you will learn that he's now
6 sixty-seven years old and you'll also hear names that
7 most people would call a dirty old man.

8 Number two, you will learn that he hit on every
9 young woman who came into his house. He made a pass at
10 every single one.

11 Number three, you are going to find out that
12 some, surprisingly enough, actually (indiscernible).

13 Now what happened? Mr. Yannai, Mr. Joseph
14 Yannai is a writer. He's married. He has a wife who is
15 in her forties. They had no children. They have a dog
16 named Sadie. They live in a large, sprawling, beautiful
17 home in posh Pound Ridge. Pound Ridge is a town in
18 Westchester County. It's a beautiful town. It's a
19 residential town. The homes, some of the homes are
20 fabulous mansions. All of the homes are lovely.

21 Their home was no mansion but by most
22 standards, most people would agree it's a very
23 attractive, comfortable home. It had four bedrooms. It
24 had wall to ceiling -- ceiling to floor windows on the
25 first floor and the second floor. It had a big plot of

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1 property. There was a beautiful pond in the back behind
2 the house, a babbling brook, a bridge over the brook.
3 Inside the house, there's a beautiful home office, all
4 the desks facing out of these full, long windows with a
5 view of the pond and the brook, four big comfortable
6 bedrooms in the house.

7 There are certainly lots of trees. There's
8 neighbors across the street and neighbors next door and
9 neighbors on the other side of the pond. And neighbors
10 all along the road into town. The town is exactly what
11 you'd expect of this rural residential fancy town.

12 And over many years, Joseph Yannai had
13 typically hired personal assistants to help him write his
14 books. He hires assistants and they typically have lived
15 in his home. They help him do research for the books he
16 writes. And typically, they've lived in his house and
17 worked in exchange for room and board and expenses paid.

18 He only hired women. He only hired young
19 women. He only hired attractive, young women. He never
20 hired a guy and he certainly never hired anybody who was
21 middle-aged.

22 He typically hired the women through internet
23 solicitation. And he typically would reach out to young
24 women who had posted themselves on au pair networks
25 indicating that they were looking for work abroad, a

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1 live-at-home type of work.

2 In the first -- in his first contact with them,
3 he would make it explicitly clear that he was not looking
4 for an au pair. He had no children. This is not an au
5 pair job. He was looking for a personal
6 assistant/companion. And he typically would -- and also
7 initially, all the initial contacts advised generally
8 what the exact nature of the job was. He was looking for
9 someone who would be a personal assistant, companion, to
10 live in the home. That he himself lived -- worked from
11 home, that he'd need them to do research, household
12 chores, and generally pamper him with food, getting him
13 cigarettes, run his daily bath, bring things when he was
14 in the bath.

15 He also in a -- typically in a first or second
16 e-mail would communicate the exact terms of his offer.
17 He gave each candidate two options; a live-in option or a
18 live-out option. A live-in option was you can live in my
19 house. You'll have your own bedroom. It's a very
20 comfortable house. You'll live for free room and board,
21 all expenses paid and that if the candidate works for a
22 full year, they'd get a bonus of \$20,000. But there was
23 no promise of any salary during the year, because they
24 must finish the whole year. And this was very clear in
25 all -- to all candidates.

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1 The live-out option was \$2,000 a month salary
2 with no expenses paid. Everyone took the live-in option.

3 Typically though, the e-mail correspondence
4 began with Joseph Yannai pretending to be a young woman
5 that worked with him and he adopted an online persona
6 either using the name of Joanna or Sylvia and he would
7 pretend that this person was someone who had previously
8 worked with him as a personal assistant and would pitch
9 the job and once the candidate responded with interest,
10 the pretend persona would introduce the candidate to
11 Joseph Yannai and Joseph would interact the candidate as
12 himself.

13 And then with each candidate, you'd have --
14 typically have a month or two or three of e-mail
15 correspondence. The e-mail correspondence between Joseph
16 Yannai and the candidate, and even his pretend persona,
17 is not typical of what you would expect between an
18 employer and a candidate. The e-mail correspondence all
19 in all is all about relationships, having relationships
20 with the defendant. There is no discussion of office
21 skills. It's about boyfriends and (indiscernible) and
22 then a discussion of how they would be close to one
23 another. And this is -- it's clear from the e-mail
24 correspondence that he is plainly hitting on these
25 candidates through his e-mail conversation. He was

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1 hitting on them. He makes it clear that he was
2 interested in being intimate with each one of them.

3 And with most candidates, typically he would
4 send a picture of himself. And do you know what he sent
5 almost every single one? He sent a picture of himself
6 kissing a beautiful, young, blonde woman. It's a picture
7 of the two of them sitting across from one another at a
8 table for two in a restaurant, reaching across the table,
9 holding hands, and kissing one another on the lips.

10 And he would send this picture to the personal
11 assistant candidates and say "This is a picture of me
12 with my last assistant and I want to have the same
13 relationship with you."

14 And then in the e-mails he'd say he would --
15 you know, he would invite them to send him pictures. He
16 would always say, "Oh, you look so beautiful. You have
17 beautiful legs." They talked about love and how they
18 were loving, intimate relationships. There's one
19 question about writing a love letter. He would finish
20 his e-mails saying "I can't wait to see you. The days
21 are too long. I can't wait until you come into my life
22 and be part of my family."

23 He talked about having intimacy and he talked
24 about how intimacy was important because that was the
25 only way he could really get to know her. I mean the e-

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1 mail correspondence and some of it is explicit but it's
2 always there and it's plain, plain, plain to anybody who
3 read these e-mails that he was hitting on them. I mean
4 some of the e-mails are positively steamy.

5 And the candidates all wrote to him in English.
6 All the correspondence was always back and forth in
7 English, every single witness who testifies here has
8 English-speaking and English-writing abilities. They may
9 have interpreters when they testify. Some, I imagine
10 will speak in English. Some will ask for the assistance
11 of an interpreter but they all corresponded with him in
12 English and lived in his home and spoke in English.

13 And what did the candidates -- how did the
14 candidates reply when they got these suggestive, steamy
15 e-mails talking about intimacy and really becoming close?
16 They say things like "I want the job. I've always wanted
17 to live in America. I understand everything. What kind
18 of dresses should I bring?"

19 Joseph Yannai gave his real name, his real
20 address, his real telephone number. He talked to
21 everyone on the phone. And everyone who came to him --
22 you know, he wasn't bringing them to some -- to sneak off
23 somewhere or you know, take them to strange place. You
24 know, he invited them to his home and he was always
25 honest about where he lived, what kind of work he asked

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1 them to do and he really was honest about the fact that
2 he was hitting on them. At any given time, Joseph would
3 have typically two personal assistants living in his
4 home. None of them knew each other. They didn't come to
5 his house at the same time. Everyone stayed a different
6 period of time and it overlapped with one another but
7 generally at any given time there were two young women
8 living in his home.

9 Joseph Yannai's wife works. She has an office
10 job. She leaves the house Monday through Friday, leaving
11 him -- having breakfast, leave in the morning and come
12 back at dinner time.

13 But the women who stayed, who accepted the job
14 and decided to stay after he made the pass -- made passes
15 at them, the typical day -- well, let me back up.
16 Typically when people arrive, they'd be shown around
17 the house and given a room. Everyone had their own, you
18 know, travel documents, passports, money, whatever they
19 brought with them. He didn't take any of their stuff.
20 He didn't take anybody's passport or anything like that.

21 He did make a copy of some of people's
22 passports though, And typically with each young woman,
23 very soon after they got into the house, Joseph Yannai
24 would have a conversation and he'd say, "Well, we can
25 have two types of relationships. We can have the

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1 intimate, loving relationship or we can have a
2 straightforward office relationship."

3 And he would say, "You know, the first option
4 was much better because if they had an intimate, loving
5 relationship and had real intimacy, the candidate would
6 learn more from him and she would enjoy her time better."
7 And sometimes if the candidate said "Oh, I'm not really
8 interested in that," he might even say, "Well you are
9 going to regret it. You're going to change your mind.
10 You're going to come around. You're really going to want
11 me."

12 He definitely wanted everybody to take the
13 first option. He definitely was interested specifically
14 in having an intimate relationship where he could control
15 it. After he had the conversation about the two options,
16 you know, each person made her own decision and some of
17 them to be blunt, the woman who declined are the ones who
18 left his house pretty quickly. He didn't try to stop
19 them from leaving. They left.

20 The others who accepted, stayed. And they
21 stayed and they worked in his home. They did help him to
22 do research for the books he was investigating at the
23 time. They used the computers. They e-mailed. They were
24 online, you know e-mailing people all over the world.
25 They were faxing all over the world. They worked in a

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1 beautiful, sunny home office. They lived in a well-kept
2 beautiful home in a beautiful setting. Their work
3 involved no heavy lifting. It was not heavy work in any
4 respect. And they spent their day, their weekdays or
5 when they worked, they spent the day in the house mostly
6 (indiscernible) in a highly (indiscernible).

7 The doors were never locked. The four or more
8 computers, were all fully wired with internet ability.
9 Telephones in the house. There were neighbors on the
10 block. They all went for walks. No secret room. Nobody
11 was tied up, (indiscernible) a beautiful, nice home.

12 On a typical day for the woman who accepted the
13 offer and stayed in his home, in the morning the wife
14 would leave and go to the office. And then whoever the
15 assistants were in the house made breakfast, had
16 breakfast with Joseph. Coffee -- they'd make -- their
17 job was to make the coffee, take care of the dog. And
18 then after breakfast it was bath time. And bath time, it
19 was the job of one of the assistants to run the bath,
20 prepare Joseph's bath, (indiscernible). When the
21 assistants would run the bath, he'd get in and she would
22 bring him whatever he needed in the bathroom. He liked
23 to have a cigarette. He liked to have a cup of coffee
24 and have his newspaper and a phone handy. And he liked
25 to have company. And whoever it was, they would sit with

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1 him. Sometimes she'd bathe him. She'd wash his body,
2 let him dry. And often there was a -- there would be a
3 sexual encounter, usually oral sex performed on Joseph
4 Yannai.

5 Whoever wasn't in the bath with Joseph was --
6 had to clean up the kitchen after breakfast. After that,
7 it was more -- after the bath, there were a couple of
8 hours of working in the office. They'd get things done.
9 The young women would, you know, get online, start doing
10 their e-mail research or their faxing work, collating
11 documents. They'd have lunch together. On a typical
12 day, they often went out to lunch or they'd have lunch at
13 the house. The girls would make lunch. The women would
14 make lunch.

15 After lunch typically, Joseph who was a real
16 night owl, would have a nap. He would -- yes, that was
17 in the day, midday. About two hours he would nap.
18 During naptime nobody was in the house except him and his
19 assistant and things would have to be arranged and, they
20 would do whatever they wanted. Nobody was looking over
21 their shoulder. They could come and go, call whoever
22 they wanted, e-mail whoever they wanted.

23 And at wake-up time, typically one of the women
24 would go into his room, wake him up. That was part of
25 the relationship. He napped in the nude. Sometimes both

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1 of the women in the house would go in and wake him up
2 together. They walked into his room. They'd get in his
3 bed. They'd get under the blankets with him and they'd
4 engage in sexual activity, touching one another. there
5 was heavy petting, kissing, oral sexual contact,
6 (indiscernible). No actual intercourse. Often in
7 general it was -- generally, whoever was in bed would
8 stay in bed and (indiscernible).

9 After nap time, there would be a couple of more
10 hours of office work. No more research. Go back to the
11 home office. They would all work. Joseph was working at
12 his computer station. Each one of them had her own work
13 station. For supper, they would often go out to dinner
14 or they'd eat at home. They'd wait until Joseph's wife
15 came home and they'd eat their supper together. They
16 always ate together at dinner.

17 After dinner, the women would clean up and then
18 it was time to relax. There was absolutely no hanky
19 panky while the wife was home. No one ever told her. No
20 one ever complained to her about it. No one ever said
21 anything to her about it. No one ever acted intimately
22 while the wife was around and on the weekends, there was
23 no hanky panky either.

24 So, folks, coming back to what the issues are
25 in this case, the first question is what was Mr. Yannai's

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1 intent? There's a lot of stuff going on in this case, a
2 lot of, you know, kind of shocking crazy facts but with
3 the charges that have been filed in the courtroom, it
4 boils down to two very clear issues. Number one issues
5 is what was his intent when he invited them to travel
6 from their home country to the United States? His
7 intent, we submit, was to invite them in order to
8 persuade them to have consensual intimate relations. His
9 intent was not to rape them. His intent was to seduce
10 them, maybe possibly convince them -- to convince them.

11 The second issue is what was each woman free to
12 leave when she was in his home? And once you observe the
13 evidence in this case, and analyze with a reasonable
14 thought of an adult person, you'll agree that a person in
15 the same shoes as each one of these women would
16 understand or reasonably understood that she could have
17 left. The ones who stayed, the choice was theirs. They
18 were free to leave. No one kept them there against their
19 will.

20 Now the government has -- I expect the
21 government is going to talk -- you know, they talk about
22 luring women to his home. This was an opening they used
23 this morning and they're going to use it again in
24 summation and they'll probably use it when they ask
25 questions. Did he lure you to his house? Well, he

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1 invited them to his house. He made no false promises
2 about how much money they would make. He told them
3 exactly who he was, where he lived. He told them about
4 the books he wrote. He told them exactly who else was in
5 the house; he, his wife and his dog. He made no false
6 promises about the nature of employment. He was inviting
7 people.

8 Of course they're going to talk -- the girls
9 are going to talk about the fact that he used a fake
10 personal to introduce himself to each of them. And that
11 is, you know -- that is not an acceptable way to engage
12 in a normal, you know, employer-employee relationship,
13 we'll agree. However, once you see the evidence, you'll
14 see that the fake persona was a device he used to really
15 honestly communicate his intention to women that he was
16 looking for an intimate relationship because he used the
17 device and the fake persona to say "I had an intimate
18 relationship with this young woman. She really love me.
19 Here's a picture of us kissing and I want to hire you to
20 replace her. I'm looking for her replacement."

21 So that was how he communicated to them his
22 intent to find somebody who was going to come to work and
23 (indiscernible).

24 The government's going to describe the
25 departure of each witness from his home as an escape.

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1 Well, you know, they walked out of his house. Sometimes
2 he drove them to the airport himself. Nobody had, you
3 know -- when the woman -- when each women decided she
4 wanted to leave, Joseph did nothing to stop her. She
5 left the house of her own free will.

6 You will hear testimony following some evidence
7 that Joseph Yannai, in addition to being, you know, funny
8 and was hard -- he was often very mean to the women in
9 his house. He would say mean things to them. He would
10 say they were fat or they were under dressed. They
11 weren't being successful. They didn't agree to being in
12 house intimately.

13 But he's not charged with being a mean guy.
14 Being mean is one thing. There are issues here, can the
15 government prove the charges they filed in this
16 particular case? The government is going to suggest that
17 he forced them to do whatever he wanted them to do
18 because of an atmosphere of coercion. Well, he made
19 passes at every single woman. He really did. He hit on
20 all of them.

21 And sometimes he insulted them. They refused
22 his passes. He said, "You know, you're going to like me.
23 You know, you're going to change your mind. You don't
24 know what you're missing. You're not going to have much
25 fun it you don't accept my interests."

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1 But he never forced anyone to be intimate. And
2 he never said "I am going to force. He never said I'm
3 going to hurt someone in your family if you don't do
4 this." He just said, "You're going to like it better if
5 you stay and have intimate relations with me. You're
6 going to more out of this experience. It will be much
7 better for you if you agree to be intimate with me."

8 And finally, I talked about this a little bit
9 in the beginning. There is really a real aspect of
10 immoral conduct here. Many of you, many people, I can
11 understand will view what was going on in the Yannai
12 house, all of this daytime hanky panky as highly immoral.
13 You know, it's adulteress. It's -- there's a big age
14 differential. It involves, you know, oral sex. It
15 involves three-way sexual encounters.

16 This type of -- these sexual relationship will
17 be challenging for some of you, maybe all of you but this
18 is not a court of moral opinion. And whether or not you
19 morally approve or disapprove of this behavior is not a
20 basis to make an intellectual rational decision whether
21 or not (indiscernible).

22 The witnesses who come in here I am sure will
23 all be very embarrassed. It will be embarrassing for
24 them to talk about what happened and what they did and
25 their relationship with Joseph Yannai. It will be

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1 embarrassing for them to answer questions that the
2 prosecutor, or from my myself, from Mike Schneider. And
3 it will be embarrassing in a way for all of us, too.
4 It's embarrassing to poke into other people's private
5 lives.

6 And one of the reasons it will be particularly
7 embarrassing is because there's clearly a lot of moral
8 disapproval for the behaviors that are involved. And
9 it's going to be hard for them to take responsibility for
10 the decisions they have made and take responsibility for
11 their own behavior. It will be hard for them,
12 embarrassing for them, the ones who stayed, to admit that
13 they moved into his house and got into his bed while his
14 wife was at work. And it will be hard for them to admit
15 it. They're not going to want to do it.

16 Folks, once you've heard all the evidence and
17 had an opportunity to see the witnesses and see the
18 (indiscernible) evidence in this case, we're convinced
19 that no matter what your moral opinion of what was going
20 on in the Yannai household, you will agree that his
21 intent when asking these women to come to his house was
22 to have a consensual intimate relationship with them, not
23 forced. He was intending and looking for consensual,
24 intimate relationships.

25 And you will be convinced my client's -- that

Ms. Simonsen - Direct - Mr. Spector

1 at all times, these women came to his home, was free to
2 leave when they wanted to leave. And you then will find
3 that each one -- every one of you will come to unanimous
4 agreement and find that Joseph Yannai is not guilty of
5 these charges. Thank you very much.

6 THE COURT: All right. Call your first
7 witness.

8 MR. SPECTOR: The government calls Anne
9 Simonsen.

10 MS. CESARE: May we have a bathroom break,
11 your Honor?

12 THE COURT: Go ahead. If any of the jurors
13 need to use the bathroom, you can go ahead too.

14 (Court recessed.)

15 THE COURT: All right. The record should
16 reflect that all of the jurors have returned to the
17 courtroom.

18 A N N E S I M O N S E N ,
19 called as a witness, having been first duly sworn,
20 was examined and testified as follows:

21 THE CLERK: Please state your name for the
22 record, ma'am.

23 THE WITNESS: Anne Rosa Simonsen.

24 MR. SPECTOR: May I proceed, your Honor?

25 DIRECT EXAMINATION

Ms. Simonsen - Direct - Mr. Spector

1 BY MR. SPECTOR:

2 Q. Good morning, Ms. Simonsen.

3 A. Good morning.

4 Q. What country are you from?

5 A. I'm from Denmark.

6 Q. And what country do you live in now?

7 A. Denmark.

8 Q. Who paid for your travel expenses to come to the
9 United States to testify today?

10 A. The United States did.

11 Q. And did you meet with the government to prepare for
12 your testimony?

13 A. Yes.

14 Q. Before coming here for the trial, did you previously
15 travel to the United States to meet with the government?

16 A. Yes, in March.

17 Q. And who paid for your expenses for that trip?

18 A. The United States did.

19 Q. Do you know someone named Joseph Yannai?

20 A. Yes.

21 Q. How do you know him?

22 A. I went to work with him in 2006.

23 Q. Do you see Mr. Yannai in the courtroom today?

24 A. Yes.

25 Q. Can you please identify him by an article of clothing

Ms. Simonsen - Direct - Mr. Spector

1 he's wearing?

2 A. He's sitting right over there in a suit.

3 Q. And how close to the front or the back of the table?

4 A. He's the second gentleman on that side.

5 Q. Second from the back or the front?

6 A. From the back.

7 MR. SPECTOR: Let the record reflect the
8 witness has identified the defendant.

9 THE WITNESS: Excuse me?

10 MR. SPECTOR: Let the record reflect,
11 your Honor, the witness has identified the defendant.

12 THE COURT: Yes.

13 Q. Ms. Simonsen, are you currently in school?

14 A. Yes.

15 Q. What are you studying?

16 A. I study cognition and communication, master of arts.

17 Q. When did you finish high school?

18 A. In 2005.

19 Q. And was that in Denmark?

20 A. Yes.

21 Q. What did yo do after you finished high school?

22 A. I worked half a year at a hotel in Denmark.

23 Q. And while you were working at the hotel, did you have
24 plans to do anything else?

25 A. Yes, I had plans to go abroad for six months after

Ms. Simonsen - Direct - Mr. Spector

1 that.

2 Q. And what did you want to do abroad?

3 A. Well, my plan was to work as au pair.

4 Q. What's an au pair?

5 A. Well, it's somebody who lives with a family and works
6 with household tasks and babysitting maybe.

7 Q. Why did you want to work as an au pair?

8 A. Well, because I was interested in getting to know
9 foreign culture for half a year and I thought that living
10 with a family would be a nice way of doing so.

11 Q. Was there anywhere in particular you wanted to go?

12 A. I think just as far as way I could get, the United
13 States or Asia or something like that.

14 Q. At that point in time, had you ever been to the
15 United States before?

16 A. No.

17 Q. How did you go about looking for work as an au pair?

18 A. Well, I found some internet sites where you could
19 make a profile and then you could get a connection with a
20 family there.

21 MR. SPECTOR: Your Honor, if I may show the
22 witness through the computer, a document that's been
23 marked as Government Exhibit 3-I, just for the witness
24 for now if we can.

25 THE COURT: Go ahead.

Ms. Simonsen - Direct - Mr. Spector

1 Q. I'm sorry, I just need one moment.

2 A. It was better before.

3 (Pause.)

4 A. Yes.

5 Q. What is it?

6 A. It is my au pair profile.

7 Q. The government --

8 A. -- from Aupairconnect.com

9 MR. SPECTOR: The government offers Government
10 Exhibit 3-I.

11 MR. SCHNEIDER: No objection.

12 THE COURT: It's admitted.

13 (Government Exhibit 3-I marked in evidence.)

14 MR. SPECTOR: May I publish to the jury,
15 your Honor?

16 THE COURT: Yes.

17 Q. And Ms. Simonsen, what sort of information would be o
18 the au pair profile?

19 A. Well, my contact information and for how long I
20 wanted to go abroad and --

21 Q. If I can direct your attention to the second page.
22 Just generally speaking, what sort of information would
23 be there?

24 A. Well it's information which languages I speak and
25 what I wanted to work with really and just an

Ms. Simonsen - Direct - Mr. Spector

1 introduction to myself.

2 Q. Can you explain how the au pair website worked?

3 A. Well, if you're seeking a job as au pair, you can
4 make profiles like an au pair profile and then you could
5 search for a family who also had profiles and then there
6 was just a general message system, you could send
7 messages.

8 THE COURT: Ladies and gentlemen, you each have
9 in between, you can pull up your own screen if it's
10 easier for you, in between your seats.

11 Q. Ms. Simonsen, did there come a time you received a --

12 THE COURT: Are you offering this document into
13 evidence?

14 MR. SPECTOR: I believe you already admitted
15 it, your Honor.

16 THE COURT: I did? Okay. Go ahead.

17 Q. Ms. Simonsen, did there come a time you received a
18 message on the au pair website from someone named Sylvia?

19 A. Yes.

20 Q. Did there also come a point in time when you
21 exchanged e-mails with Sylvia?

22 A. Yes.

23 Q. Did you also exchange e-mails with the defendant?

24 A. Yes.

25 MR. SPECTOR: May I approach, your Honor?

Ms. Simonsen - Direct - Mr. Spector

1 THE COURT: Yes.

2 Q. I'm showing the witness what's been previously marked
3 for identification as Government Exhibit 600.

4 Ms. Simonsen, did you review those documents in
5 preparation for your testimony today?

6 A. Yes.

7 Q. And did you sign the bottom of each page?

8 A. I did.

9 Q. Is Government Exhibit 600 e-mails between you and
10 Sylvia, as well as you and Joseph Yannai?

11 A. Yes.

12 MR. SPECTOR: The government offers Government
13 Exhibit 600.

14 MR. SCHNEIDER: No objection.

15 THE COURT: It's admitted.

16 (Government's Exhibit 600 marked in evidence.)

17 Q. Ms. Simonsen, did you save these e-mails onto your e-
18 mail account?

19 A. Yes.

20 Q. Did you save every e-mail you exchanged with the
21 defendant and with Sylvia?

22 A. No, but most of them.

23 Q. Okay. Do you remember if there was any particular
24 reason you deleted certain e-mails?

25 A. No.

Ms. Simonsen - Direct - Mr. Spector

1 Q. What did you do with the e-mails?

2 A. Well, I saved them later as a Word document on my
3 computer and this is a Word document.

4 Q. And did you give that Word document to the United
5 States government?

6 A. Yes, I did.

7 MR. SPECTOR: Your Honor, at this time we'd
8 like to hand out jury binders for the jury to follow
9 along as we go through some of those e-mails.

10 THE COURT: Go ahead.

11 (Handing binders to jurors.)

12 Q. Now the Word document you just described,
13 approximately how many pages is that?

14 A. 24.

15 Q. And what order is it in chronologically?

16 A. It's reverse chronological order.

17 Q. So is the oldest e-mail the last one?

18 A. Exactly.

19 MR. SPECTOR: If we can turn to 24, Yes,
20 your Honor? If I could ask the jurors to turn to the
21 last page, 24.

22 Q. And Ms. Simonsen, focusing on the bottom half of that
23 page, what is that document?

24 A. It's an e-mail sent from my e-mail account on the 8th
25 of November 2005.

Ms. Simonsen - Direct - Mr. Spector

1 Q. And who did you believe you were sending this to?

2 A. To Sylvia.

3 Q. And was this in response to something previously?

4 A. Yes, it was a response to an internal messages from
5 the au pair site.

6 Q. If you can just read out loud the highlighted
7 portion, please.

8 A. "Dear Sylvia, Thank you so much for considering me as
9 the future assistant for a boss. I'm really excited
10 about the offer mostly because you've chosen me for my
11 skills and qualifications. And I'm absolutely thrilled
12 about working for a publishing house and at the same
13 time, being part of a family."

14 Q. You mentioned skills and qualifications; why did you
15 write that?

16 A. Well, because this wasn't just babysitting. It was
17 helping a publisher.

18 Q. And why did you think you had been chosen for skills
19 and qualifications?

20 A. Because I had written about my skills and
21 qualifications on the profile.

22 Q. And if you can read the next highlighted portion,
23 please.

24 A. "So could you tell me some more about the work as
25 publisher's assistant?"

Ms. Simonsen - Direct - Mr. Spector

1 Q. How long did you want to work as a publisher's
2 assistant?

3

4 A. For six months.

5 Q. Do you remember when you wanted to end, what month?

6 A. Yeah, I wanted to end in August.

7 Q. And why was that?

8 A. Because I planned to start university in September in
9 Denmark.

10 Q. We can turn to the next page, to page 23 please. And
11 focusing on the lower half of that page. What is that
12 document?

13 A. It's an e-mail from November 9, 2005 from the e-mail
14 address PublishersPlus@aol.com.

15 Q. And who did you believe was sending that?

16 A. Sylvia.

17 Q. And if you can read aloud the highlighted portion,
18 please.

19 A. "Their home is about 50 minutes drive from the city
20 and although you will visit New York and join them when
21 they go out to the city, you will not be staying in New
22 York City. Their home is in New York State but not in
23 the City. Actually, it cannot be more opposite than New
24 York City. It is a small town, the kind of towns in
25 Westchester County in which the rich people move to."

Ms. Simonsen - Direct - Mr. Spector

1 Q. Was the location something that mattered to you?

2 A. Yeah, it seemed appealing because it was well
3 situated in the country but still close to the big City.

4 Q. And if you can continue with the next highlighted
5 portion please.

6 A. "You are his assistant, not a publisher assistant.
7 You will do the regular office work plus all the
8 correspondence and research in the languages you know,
9 mainly French and German."

10 Q. What did you think about that job description?

11 A. Well it sounded really interesting, a unique
12 possibility to use my language skills.

13 Q. Now at the time you were e-mailing with Sylvia at
14 this point, were you considering any other options to
15 work as an au pair?

16 A. Yes, among others, a Turkish family.

17 Q. If we can turn to page 22, focusing on the bottom
18 portion there. What is that document?

19 A. It's an e-mail sent from me, 17th of November 2005.

20 Q. And if you can read the highlighted portion please.

21 A. "Today chatting with whom I thought was my future "au
22 pair father" I found out that he actually wanted to hire
23 me, not only as his daughter's teacher but also as his
24 new lover. Thereby, my Turkish plans were canceled
25 immediately as you might have guessed."

Ms. Simonsen - Direct - Mr. Spector

1 Q. And what was that a reference to?

2 A. Well I was referring to an instant message chat that
3 I had with this au pair father and he was starting to ask
4 me if I wanted to be his lover and stuff like that.

5 Q. And how did you respond to that?

6 A. Well I said I wasn't interested.

7 Q. And if we can turn to the second page, the top of 23,
8 the continuation there, if you can read the highlighted
9 portion.

10 A. "I'm rather embarrassed that I turned you down at
11 first but I couldn't possibly have guessed that the
12 Istanbul job wasn't what it seemed."

13 Q. And did you include a phone number there, as well?

14 A. Yes.

15 Q. Do you remember if you received a phone call after
16 you sent this e-mail?

17 A. Yes, I did.

18 Q. Who did you speak with?

19 A. Joseph Yannai.

20 Q. Do you remember anything about the conversation?

21 A. Well, I remembered it was sort of a bad connection.
22 I remember he was a bit difficult to understand because
23 he has this accent and we just discussed some
24 practicalities.

25 Q. If you can now turn ahead to page 20, please,

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1 focusing on the bottom portion of the page. What is that
2 document?

3 A. It's an e-mail sent November 18, 2005 from
4 PublishersPlus@aol.com.

5 Q. And who did you believe was sending this e-mail?

6 A. Sylvia.

7 Q. If you can read the first two highlighted portions,
8 please?

9 A. "Joseph told me of your phone conversation this
10 morning and asked me to write to you. Joseph is a
11 businessman who tried to work from home with minimum
12 office visits. He lives with his wife, Elena, in a very
13 small town, much smaller than yours. They have no
14 children."

15 Q. Now at this point in time was the job you were
16 discussing to work for Joseph more appealing or less
17 appealing to you than a regular au pair job?

18 A. I thought it was more appealing.

19 Q. Why is that?

20 A. Because it was challenging and it was something else
21 than just babysitting. This was actually working with
22 something that was interesting.

23 Q. And if you can -- if we can turn the page to 21. If
24 you can read the top highlighted portion there?

25 A. "Part of the lower floor of the house was converted

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1 into an office space from which they work. By they I
2 mean Joseph, his personal assistant and sometimes Elena
3 (she's a stockbroker but he asked her to quit her job for
4 a while to help him with his current project."

5 Q. And then if you continue with the next highlighted
6 portion, please?

7 A. "You will work mainly on the computer (how boring)
8 and mainly on the internet research in the languages you
9 know. But the main job is to make his life more
10 comfortable, more pleasant and easier. I learned the
11 hard way never to tell him no. If he tells you to do
12 something that you don't like, do it, then discuss it
13 with him."

14 Q. Now when you receive that e-mail, what did you think
15 that was a reference to?

16 A. Well I thought it was a reference to working long
17 hours and working really intensively.

18 Q. Did you believe at that point that that was a
19 reference to anything sexual?

20 A. No.

21 Q. If you can read the rest of the page that's
22 highlighted please.

23 Q. "Pay. There are two ways in which you can get pays
24 and they are dependent of the structure and the terms of
25 your coming here. You will have to choose and choose

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1 before you come. The first way is living out. That means
2 that you will not live with them, get your own apartment,
3 a room and work six hours a week for eight hours and the
4 rest of the time will be yours. You will then be paid a
5 monthly salary of \$1,700 and will have to pay for all of
6 your expenses but for food when you're at work and eat
7 with them. The other option is that you will live with
8 them. You will have your own room and become part of the
9 family and I might say, an equal part. You then will not
10 be paid a monthly salary but all your expenses will be
11 paid by him. When I say all the expenses, you'll be
12 surprised how many things you'll not even have to ask.
13 He or she will think it before you will want it, from
14 clothing to tampons, from doctors to presents for your
15 family, from going out to dinner or to a concert to a
16 hairdresser; everything. He is very large which
17 sometimes is even embarrassing. At the end of the year,
18 and in your case, August, if you will not change your
19 mind and stay longer, you will receive a one-time pay
20 equivalent to \$25,000 a year. In your case if you leave
21 in August, it will be less the relevant sum of seven or
22 eight months. That will be a net money that you can take
23 home with you as your stay here would not cost you but
24 you will get that only if you stay until August with
25 them. If you leave before you do not get anything. As

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1 to the airline ticket, I spoke to him and he agreed to
2 repay you for the ticket, only if you will stay until
3 August."

4 Q. Now of the two options described there, did one of
5 them seem more appealing to you?

6 A. Yes, the live-in seemed more appealing.

7 Q. Why was that?

8 A. Because I thought of this as a cultural exchange, so
9 living with a family would be the easiest way to get to
10 know the culture.

11 Q. If I could ask you to turn ahead to page 19, please.
12 I'm focusing on the bottom portion. What is that
13 document that begins on the bottom portion of the page?

14 A. It's an e-mail sent from me, the 22nd of November
15 2005.

16 Q. And who did you believe you were sending it to?

17 A. Sylvia.

18 Q. If you can read the highlighted portion on the page
19 please?

20 A. "My regards to your boss. It was nice talking to him
21 on the phone, despite the bad connection. Firstly, visa,
22 Joseph told me on the phone that I can stay in the United
23 States for three months without visa and that he can have
24 his lawyers extend my stay once I am there. However,
25 according to the American Embassy in Copenhagen, I can

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1 only go there without a visa if I have a valid return
2 ticket within those ninety days. And I will stay from
3 primo January to primo August, seven months. So, I've
4 booked an appointment at the U.S. Embassy 5th of December
5 where I can apply for a so-called business and tourist
6 visa, type B, which I think is the right one."

7 Q. Why were you planning to go to the Embassy?

8 A. Because I am used to traveling and I know that if you
9 want to go abroad, you need to apply for a visa in good
10 time.

11 Q. Now during the e-mails that you were exchanging with
12 Sylvia, did you discuss what happened with the Turkish
13 man?

14 A. Yes.

15 Q. And generally speaking, what kinds of things would
16 Sylvia write about that?

17 A. Well, she would sort of indicate that I might have
18 misinterpreted the Turkish compliments towards me.

19 Q. And how did you respond?

20 A. Well I told her there was no doubt that he was
21 definitely hitting on me.

22 Q. If we can turn to page 17, at the very bottom -- it
23 starts on the very bottom. What's the document there
24 beginning on the very bottom?

25 A. It's an e-mail sent November 23, 2005 from

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1 PublishersPlus@aol.com.

2 Q. And who did you understand sent that?

3 A. Sylvia.

4 Q. If we can turn to page 18? If you can read aloud the
5 top highlighted portions, please?

6 A. "I wish you would have talked to me before doing your
7 own investigations and consulate. We pay good money for
8 professionals to do the work, in this case, an attorney.
9 You will never receive a working permit for office work.
10 Only people with professions that the U.S. needs like
11 nurses and agriculture workers, have the chance to
12 receive a working permit. Moreover, if you will be
13 denied a working permit, there is a chance they will not
14 let you into the U.S. on a tourist visa. So, from now on
15 it does not cost money to send an e-mail, just as Joseph
16 or myself. You will come on a tourist visa for three
17 months or so and after being here, you will stop working
18 on the extension. Usually you can get between six to
19 twelve months extension. Yes, you might be asked at the
20 border to show a return ticket for the appropriate time
21 and that is the kind of ticket you should purchase. So I
22 suggest you will cancel your appointment and the
23 consulate or better yet, to avoid questions why you're
24 not coming, just don't come."

25 Q. What did you do after you received that e-mail?

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1 A. I canceled my appointment at the embassy.

2 Q. Were you concerned at that point about coming to the
3 United States on a tourist visa?

4 A. Well, not really because when she's talking about
5 attorneys here, I believe that you know, they -- they
6 knew the law, so it would be legal to get this extension.

7 Q. If you can continue with the bottom portion of page
8 18, please.

9 A. "I started to work here when I was almost nineteen
10 years old high school graduate. I'm not working with him
11 now. I am back home in Poland for the last four months
12 because of family reasons. But as you see, I am still
13 working for him and we are in an almost daily basis
14 contact either via e-mails, I have an access to one of
15 the company's e-mail addresses or on the phone. He's
16 still a very good and dear friend of mine, probably the
17 most important part of my life and I know I can still
18 depend on him."

19 Q. And if we can continue, can you turn to page 19 and
20 just read that last highlighted portion please.

21 A. "There is a lot of intimacy and I do not mean sex.
22 You will realize, especially when traveling with him that
23 there will be many occasions that will invite a sexual
24 relationship but that will be the last thing on his mind.
25 It is difficult to understand it in the beginning. He

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1 might tell you how beautiful you are or even repeat the
2 mistake of the Turk telling you how sexy you are if you
3 will think that you are sexy. Might hug you, kiss you.
4 I used to kiss him every morning when I came down to work
5 and said good morning and before I went to sleep. And in
6 most cases, Elena was there. And he never even tried to
7 have sex with me. You will be at the end of the term a
8 very happy, experienced young woman."

9 Q. How did you feel after reading that?

10 A. Well, firstly I felt that when -- she's my own age
11 and she was happy to be there, well that's a sign that
12 it's a good place to work. And then in this last passage
13 I read, she's actually saying three times that there's no
14 sexual interest. So I just took her on face value.

15 Q. And what about the fact when she says that she kissed
16 him every morning, what did you think about that?

17 A. Well I thought well if that's her way of expressing
18 her love or warm feelings to him, that's okay.

19 Q. Is that something you thought you would do?

20 A. Well, maybe not, no, but you know, you can kiss
21 somebody on the cheek or on the forehead without it
22 meaning something other than warm feelings.

23 Q. If I can ask you to turn to page 16, please, focusing
24 on the bottom portion there, what is that document?

25 A. It's an e-mail sent November 24, 2005 from

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1 PublishersPlus@aol.com.

2 Q. And who did you understand was sending that?

3 A. Sylvia.

4 Q. If you can read the highlighted portion, please?

5 A. "I was very happy to read your e-mail. I guess my
6 work is done now. From now on, I think you should write
7 directly to Joseph (InStyleCompanies@aol.com.)

8 Q. And after you received that, what did you do?

9 A. I started writing to that e-mail address.

10 Q. If we can turn ahead to page 14, please. What is
11 that document beginning on page 14?

12 A. It's an e-mail sent November 27, 2005 from
13 InStyleCompanies@aol.com.

14 Q. And who did you understand was sending that e-mail?

15 A. I understood it to be Joseph.

16 Q. This is the first e-mail you received from him?

17 A. Yes.

18 Q. If you can just read the highlighted portions of the
19 first page, please.

20 A. "Let me tell you a little of the project we're very
21 busy with now and the one which occupies us and will
22 occupy you. We're about to publish a series of travel
23 guide which will cover hotels and restaurants throughout
24 the world."

25 Q. You can continue, please.

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1 A. Yes. "Last year, we published the best selling book
2 we ever had. It was the International Who's Who of
3 Chefs, which included biographical sketches of 3,000 of
4 the best chefs in the world in which every one of them
5 gave us a signature recipe. It became the most
6 comprehensive cookbook ever published and we sold almost
7 one million copies."

8 Q. Now how did this make you feel about the job?

9 A. Well, I thought it was very interesting because it
10 had different tasks that I wanted to work with; research
11 and traveling and publishing.

12 Q. Did you do any research on what the defendant had
13 described in the e-mail?

14 A. Well I Googled the title of the book and I found it
15 on Amazon. So I just expected that it was what he said.

16 Q. Were you ever able to determine whether it had, in
17 fact, sold a million copies?

18 A. No, because I never imagined one would lie about
19 that.

20 Q. If we can turn to page 15, please. If you can read
21 the highlighted portion?

22 A. "What is the most beautiful part of your body? What
23 does other people say and which is the ugliest? What do
24 you think?"

25 Q. What did you think when you read that?

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1 A. Well, I thought he was sort of testing me because he
2 maybe wanted to see how confident I was. It seemed that
3 Sylvia was sort of insecure when she came. She told me
4 that in the previous e-mail. So maybe he just wanted
5 somebody who was more confident of herself.

6 Q. Were you concerned when you read that that he would
7 want a sexual relationship?

8 A. No.

9 Q. If we can turn to page 11, please. Turn ahead to
10 page 11. What is that document?

11 A. It's an e-mail sent December 10, 2005 from
12 InStyleCompanies@aol.com .

13 Q. And who did you understand was sending this?

14 A. Joseph.

15 Q. If you can read aloud the first highlighted portion,
16 please.

17 A. "Thank you for your new pictures. I feel as I know
18 who I am talking to a little better. If the pictures are
19 right, I think you should place in the top of your list
20 of the beautiful parts of your body a long neck. You
21 will find in the attachment four pictures. I'm sorry,
22 Elena is not in them. The first two are in a trip to
23 Israel I took with my friend Joanna, the same young lady
24 who is going to join us at the second part of January
25 from Poland. The other two are from a trip I took to

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1 Vietnam."

2 Q. Now if we could just stop there.

3 MR. SPECTOR: May I approach, your Honor?

4 THE COURT: You could approach without asking
5 me.

6 MR. SPECTOR: Thank you, Judge. I'm showing
7 the witness what's been previously marked for
8 identification as Exhibits 601, 602, 603 and 604.

9 Q. What are those documents?

10 A. Thank you. It's the pictures and that's an
11 attachment to this e-mail.

12 MR. SPECTOR: The government offers 601, 602,
13 603 and 604.

14 THE COURT: Any objection?

15 MR. SPECTOR: No.

16 THE COURT: They're admitted.
17 (Government's Exhibits 601, 602, 603 and 604 marked in
18 evidence.)

19 Q. Showing you 602, what did you understand this to be?

20 A. One of the photos from Vietnam.

21 Q. And 603?

22 A. The same.

23 Q. And 601?

24 A. The trip he took to Israel with Joanna.

25 Q. And 604?

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1 A. The same.

2 Q. Now how did you react when you saw this photo, 604?

3 A. Well, I didn't want to save it on my computer because
4 I thought it was just well a little bit too much.

5 Q. You said you didn't want to save it on your computer,
6 did you save the other three photos?

7 A. Yes.

8 Q. But not this one?

9 A. No.

10 Q. You said it's a little too much. Were you concerned
11 when you saw that?

12 A. Well, I thought it was a bit strange but maybe it was
13 -- you know, I couldn't know about it, maybe it was just
14 a cultural thing. Maybe they were used to kissing on the
15 mouth that in a sort of a grandfatherly way. And then at
16 the same time, this is not a business trip but a trip he
17 took with his friend at the time. So --

18 Q. If I can focus you back on the bottom of page 11, if
19 you can just read the highlighted portion there.

20 A. Yup. "I really suggest that you will consider me and
21 Elena, our home, as part of your new family without
22 taking anything from your family in Denmark. It will
23 make all of our lives easy and more pleasant."

24 Q. And having read that, did that, what you just read,
25 have any impact on how you reacted to Exhibit 604?

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1 A. Yes. I definitely read it more in the warm family
2 relationship manner.

3 Q. Did there come a time you made a decision about
4 whether to come to the United States for this job?

5 A. Yes, I'd done that before reading this.

6 Q. And who paid for your ticket?

7 A. I did.

8 Q. Who made the travel arrangements?

9 A. Well, Joseph did.

10 Q. During the e-mails you'd have directly with the
11 defendant, would he ever say or write, I should say,
12 provocative things?

13 A. Yes.

14 Q. Would he ever ask questions of you about sex?

15 A. Yes.

16 Q. And what did you think of that?

17 A. I thought it was provocative but maybe he was just
18 testing me to see if I could -- if I would react to that.

19 Q. And how did you react?

20 A. Well I just answered him as coolly as I could and just
21 answered without getting into any details.

22 Q. If we can turn to page 3?

23 MR. SPECTOR: Your Honor, I believe a juror had
24 made a request to see the photo.

25 THE COURT: Which one? Which photo, not which

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1 juror? Which photo?

2 THE JUROR: The photo that she did not save.

3 THE COURT: Put it up.

4 Q. Just to be clear, the defendant sent you four photos;
5 correct?

6 A. Yes.

7 Q. And there were two from Vietnam; is that correct?

8 A. Yes.

9 Q. This is 603?

10 THE COURT: No, the juror wanted to see the one
11 that she didn't save.

12 MR. SPECTOR: Sorry.

13 Q. This, Exhibit 604, this is the photo that you did not
14 save on your computer?

15 A. Yes.

16 Q. Turning to page 3, if you can read aloud the
17 highlighted portions there?

18 A. "For two days I did not receive an e-mail from you.
19 How could you do it to the man who loves you more than
20 anything else, okay, but the yoga freak."

21 Q. What did you understand that to be a reference to?

22 A. Well, the yoga freak would be the reference to my
23 boyfriend.

24 Q. Your boyfriend at the time?

25 A. Yes.

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1 Q. And what did you think when you read that?

2 A. Well, I thought that he is saying this tongue-in-
3 cheek. That is, just you know -- yeah, a funny way of
4 trying to provoke me again, I think.

5 Q. And then turning to the next highlighted portion, if
6 you can read that aloud please.

7 A. "Just to be honest with the current temporary love of
8 your life, try gently to prepare him for the possibility
9 that the tears that will flash your long nose on January
10 4 are the last image of yours he will see but when you
11 will come for home visits to Denmark after August 2007.
12 The best way of doing it is by making sure that one of
13 your girlfriends will comfort him."

14 Q. The phrase, the current temporary love of your life,
15 what did you understand that to refer to?

16 A. Well, that would be my boyfriend at the time.

17 Q. And the last line there --

18 A. Uh-huh.

19 Q. -- about one of your girlfriends comforting, what did
20 you think of that?

21 A. That it was also a sort of outright provocation but,
22 of course -- well, I just decided to ignore it.

23 Q. Why was that?

24 A. Well, I thought it was a stupid thing to write.

25 Q. Were you concerned at this point that he wanted to

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1 have a sexual relationship?

2 A. No.

3 Q. Why?

4 A. Because I was confirmed all the time that he wasn't
5 interested in me in that way. It was always said no, not
6 the Turk's way. He never tried to have sex with Sylvia.

7 Q. did you ever send the defendant a letter before you
8 came to the United States?

9 A. Yes.

10 Q. What was that?

11 A. Well that was a Christmas card.

12 MR. SPECTOR: If I can show the witness what's
13 been marked as Government Exhibit 3-H.

14 Q. What is that document?

15 A. It looks like the envelope from the Christmas card I
16 sent.

17 MR. SPECTOR: The government offers 3-H.

18 MR. SCHNEIDER: No objection.

19 THE COURT: It's admitted.

20 (Government's Exhibit 3-H marked in evidence.)

21 MR. SPECTOR: May I publish?

22 Q. Why did you send him a Christmas card?

23 A. Because it's tradition to do it in Denmark and you
24 send Christmas card to your family and friends. I
25 thought it was a good way to create a good relation.

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1 Q. And if we can turn back to the -- I'm sorry, if we
2 can actually turn to page 4.

3 A. Uh-huh.

4 Q. The bottom of page 4, is that an e-mail you sent to
5 the defendant?

6 A. Yes.

7 Q. If you can read aloud the highlighted portion there?

8 A. "By the way, before I forget, my boss' wife used to
9 work at a tourist bureau advising people in the
10 traveling. She told me that it might be a good idea to
11 have an official letter from you saying that I am going
12 to live with you as a guest or something like that, as I
13 might be asked when arriving in the U.S. where I am going
14 and what for."

15 Q. When you wrote that, were you concerned about what
16 might happen in immigration when you arrived in the
17 United States?

18 A. Yes, a bit.

19 Q. And if we can turn to page 1, the very first page,
20 just at the top, what is that document?

21 A. Well, it's an e-mail sent from
22 InStyleCompanies@aol.com December 30, 2005.

23 Q. And if you can read aloud the highlighted portion?

24 A. "To whom it may concern: Anne Rosa Simonsen is a
25 daughter of good friends of ours and we are happy to

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1 invite her to be our guest on a trip she is taking to the
2 states. She will be staying with us and, of course, we
3 will take care of all of her expenses. We intend to show
4 her different parts of America by taking her with us on a
5 coast-to-coast trip."

6 Q. Was the information in that letter true?

7 A. No.

8 Q. What did you understand the purpose of that was?

9 A. I was supposed to show it to immigration if I were
10 asked any questions while I was there.

11 MR. SPECTOR: We can put the binders aside now,
12 your Honor.

13 THE CLERK: Place them under your seats,
14 please.

15 Q. Ms. Simonsen, did there come a time or excuse me, did
16 you come to the United States in January 2006?

17 A. Yes.

18 Q. How old were you at the point?

19 A. I was twenty years old.

20 Q. And what airport did you arrive into?

21 A. In John F. Kennedy.

22 Q. Did you speak to immigration officials at J.F.K.
23 Airport?

24 A. Yes.

25 Q. And what did you tell them?

Ms. Simonsen - Direct - Mr. Spector

1 A. I said I was here as a tourist.

2 Q. Was that true?

3 A. No.

4 Q. No, why not?

5 A. Because I was going to work for Yannai.

6 Q. And why did you lie to the immigration authorities?

7 A. Because I had been told to do so.

8 Q. By whom?

9 A. By Joseph Yannai.

10 Q. Have you been granted immunity for your testimony
11 today?

12 A. Yes.

13 MR. SPECTOR: If I can show a document to the
14 witness?

15 Q. I'm showing you what's been marked as 3500-ARS-20.
16 Do you recognize that document?

17 A. Yes.

18 Q. What is it?

19 A. It's a letter from the United States Attorney to my
20 lawyers appointed in this case and saying that I cannot
21 be subject to prosecution.

22 Q. Does that letter give you any protection if you lie
23 in court today?

24 A. Not if I lie in court; no.

25 Q. Do you have a lawyer for this case?

Ms. Simonsen - Direct - Mr. Spector

1 A. Yes.

2 Q. Who is your lawyer?

3 A. Michael Beys.

4 Q. And did you review this letter with your lawyer
5 before testifying?

6 A. Yes.

7 Q. Now in addition to the promise in the letter, do you
8 know if there's any other reason that you could not be
9 prosecuted for lying to immigration?

10 A. Yes, my lawyer informed me of the statute of
11 limitations saying that after five years I cannot be
12 subject to prosecution.

13 Q. And when you entered the United States in January of
14 2006, was that more than five years ago?

15 A. Yes.

16 Q. So after you passed through immigration, what
17 happened next?

18 A. I went to pick up my luggage and Joseph Yannai came
19 and picked me up.

20 Q. And what did the defendant do when he picked you up
21 at the airport?

22 A. He hugged me and he kissed me on the cheek.

23 Q. What did you think about that?

24 A. Well, I was tired but it was maybe a little bit too
25 much. But I wasn't concerned.

Ms. Simonsen - Direct - Mr. Spector

1 Q. Was there anyone else in the car at that point?

2 A. No.

3 Q. Where did you go after he picked you up?

4 A. Well, we went straight to his home in Pound Ridge.

5 Q. Do you remember approximately how long the drive was?

6 A. It was more than an hour.

7 Q. How would you describe the area where the defendant
8 lived?

9 A. Well, we arrived in the nighttime, so it was pretty
10 dark but it was very isolated. The house is -- there was
11 a big distance between the houses and it was sort of
12 isolated.

13 Q. What happened after you arrived at the defendant's
14 house?

15 A. Well, we went into the kitchen and his wife Elena was
16 there. And he would like hug me and Elena didn't really
17 react.

18 Q. Did you have any further conversation with the
19 defendant that night in his home?

20 A. Yes, I asked if I could use the phone, just to call
21 to my parents and my boyfriend and let them know that I
22 had arrived. But Joseph said that it will be better I
23 use the phone the next morning.

24 Q. And did he make any other comments about you?

25 A. Yes, he commended on my figure. I don't remember

Ms. Simonsen - Direct - Mr. Spector

1 quite exactly what he said but it made me feel
2 uncomfortable.

3 Q. And after that, what happened next that night?

4 A. Well I was shown to my room and well, I fell asleep
5 pretty quickly.

6 Q. Did you make an attempt to use a phone?

7 A. No.

8 Q. Did you bring a phone with you?

9 A. Oh, yes, I brought my cell phone and I also looked t
10 see if there was any connection but it doesn't work in
11 the states.

12 Q. What happened the next morning?

13 A. Well, I got up and got dressed and I asked to use the
14 shower. And Elena showed me the shower downstairs.

15 Q. And after Elena showed you around, did -- what did
16 you do next?

17 A. Well, I was given the tour of the house by Elena.
18 She showed me where things were situated and stuff like
19 that.

20 Q. And did you make a request after that? Did you ask
21 to use the phone after that?

22 A. Yes, but to Joseph when he later showed me the
23 downstairs room where the office were.

24 Q. And how did the defendant react when you asked to use
25 the phone?

Ms. Simonsen - Direct - Mr. Spector

1 A. He was like, oh, okay, all right. You -- accept it
2 but it was not -- it was really reluctant.

3 Q. Who did you call?

4 A. Well, first I called my parents.

5 Q. And did you call anyone after that

6 A. Yes, I called my boyfriend after that.

7 Q. What language were these phone calls in?

8 A. They were in Danish.

9 Q. And what, if anything, happened while you were on the
10 phone with your boyfriend?

11 A. Well, after some five or ten minutes, Joseph would
12 come over to me and hang up the phone mid-sentence.

13 Q. And after the defendant hung up the phone, what, if
14 anything, did he say?

15 A. He told me that I should not talk this extensively
16 with the people back home that from now on, I would have
17 to mature and that meant not talking with my family or my
18 boyfriend. But if I really needed to contact them in any
19 way, I would have to send e-mails.

20 Q. And what, if anything, did he say about how you were
21 to send these e-mails?

22 A. Well it would have to be from his account and in
23 English, not in Danish because if I didn't do that, it
24 would pose a virus threat.

25 Q. Is that what he said?

Ms. Simonsen - Direct - Mr. Spector

1 A. Yes.

2 Q. What happened next?

3 A. Well, he approached me and he hugged me. And then he
4 tried to kiss me but I turned my head away.

5 Q. And what did he do when you turned your head away?

6 A. He would then grab my head and forcefully kiss me on
7 the mouth.

8 Q. Were you physically able to get away from him at that
9 point?

10 A. No.

11 Q. How did the defendant's actions make you feel?

12 A. Well, I tried to back off and I said that this was
13 really too much and I didn't like it. And then he would
14 -- he would just say that, "Oh, I shouldn't resist his
15 love." He loved me and he had loved me all my life.

16 Q. Did you make a decision about what you wanted to do
17 at that point?

18 A. Well, I suddenly wanted to go home at that point.

19 Q. Did you tell the defendant right away?

20 A. No.

21 Q. Why not?

22 A. Because I would have to find a solution to do this.

23 Q. What do you mean by that?

24 A. Well, I just didn't really know how to say that
25 straight away. I was in shock. I had just been kissed

Ms. Simonsen - Direct - Mr. Spector

1 without my will.

2 Q. And approximately how large was the defendant at that
3 point? What was his sizes?

4 A. Well he was much taller than me and he was very big.

5 Q. And were you about the same size as you are now?

6 A. Yes.

7 Q. So, after that incident occurred, what happened next?

8 A. Well, he was sort of mad at me for trying to push him
9 away. So he asked, okay, maybe we should just get to
10 work now and he would turn on the computer and he asked
11 me to go fetch some coffee which I did. And then when I
12 returned, he told me to research a French restaurant or a
13 hotel or something on the internet.

14 Q. And did you do that?

15 A. Yes.

16 Q. What happened next?

17 A. Well the telephone rang while I was doing the
18 research. So Joseph went upstairs to get it and I did my
19 research as I was told.

20 Q. Did there come a time you had lunch?

21 A. Yes, Elena came down and told me to come have lunch
22 with them upstairs.

23 Q. What happened during lunch?

24 A. Well, the telephone rang again and the telephone is
25 in the same room. So, Joseph got it.

Ms. Simonsen - Direct - Mr. Spector

1 Q. And what happened?

2 A. Well, it was for me he said. It was an emergency.

3 So, I took the phone and it was my boyfriend.

4 Q. And without telling us what your boyfriend said, can
5 you tell us if you observed any emotional reaction in his
6 voice?

7 A. Yes, he was clearly very concerned for me.

8 Q. Did anyone else come on the phone at that time?

9 A. Yes, my sister came on the phone, too because she
10 lives in the same dormitory as he did.

11 Q. And while you were speaking on the phone to your
12 boyfriend and sister, how did the defendant react?

13 A. Well, he started gesturing to me to hang up because
14 he was impatient and you know, he didn't like this
15 apparently.

16 Q. Approximately how long did you spend on the phone
17 with your boyfriend and sister?

18 A. I think ten minutes.

19 Q. And what language were you speaking?

20 A. In Danish.

21 Q. What happened after you finished the call?

22 A. Well, Joseph came to me and he was furious. He asked
23 me "What is going on?" And I said, "Well, there's
24 somebody concerned for me, maybe want me to go home."
25 And then he said, "Well that's not an emergency. I've

Ms. Simonsen - Direct - Mr. Spector

1 been lied to." And he was furious.

2 Q. And so what happened next?

3 A. Well, he yell at me to come follow him into the
4 living room and we sat down. And he told me that I would
5 have to chose now, either I stayed with him for the next
6 six months as we had agreed on but in that case, he would
7 have to decide what I was going to wear, who I was going
8 to talk to, how I was going to behave, everything or I
9 could go home in the morning. And he told me that I had
10 an hour to decide.

11 Q. Now in giving you these two choices, when he
12 described the choice about what would happen if you stay,
13 did he say that if you stayed, you'd be engaging in
14 sexual contact with him?

15 A. No.

16 Q. You said he had given you an hour to decide. Did you
17 need any time to decide?

18 A. I did not.

19 Q. What did you do?

20 A. Well, I went to my room because he had told me to
21 wait for an hour and I was in shock and I was shaken by
22 the events. And I just sat down on the bed.

23 Q. And what, if anything, happened while you were in
24 your room?

25 A. Well I heard the telephone ringing again and I heard

Ms. Simonsen - Direct - Mr. Spector

1 him answering it and just shouting really, really loudly,

2 "Stop --"

3 Q. When you say him, who are you referring to?

4 A. Joseph Yannai.

5 Q. And what did he shout?

6 A. "Stop calling me, you fucking Danes. Anne can't talk
7 right now. She's asleep."

8 Q. After the hour was up, what did you do next?

9 A. Well, I went to find him and I told him, of course,
10 that I wanted to go home the next day.

11 Q. And how did he react?

12 A. He just sighed and he looked really angry.

13 Q. What happened next?

14 A. He told me to find my credit card, so we could buy an
15 airline ticket for the next day. So I went to find my
16 card and we went to the computer where he found the
17 airline ticket.

18 Q. In addition to your credit card, did he ask you for
19 anything else?

20 A. He also asked me for the e-mail address of my
21 parents.

22 Q. Did you give that to him?

23 A. Yes.

24 Q. Why?

25 A. Because he as threatening.

Ms. Simonsen - Direct - Mr. Spector

1 Q. What happened next?

2 A. Well, he sent an e-mail to my parents informing them
3 of when I was coming home but he also wrote a lot of
4 insulting things about me being immature and things like
5 that.

6 Q. And you said you gave it to him because he was
7 threatening. What do you mean by that?

8 A. Well, he was shouting and really threatening towards
9 me.

10 Q. Did you see him type this e-mail to your parents?

11 A. Yes, I thought it was some kind of power
12 demonstration because I just wanted to talk to my parents
13 and he was showing that he could do it. He was in
14 charge.

15 Q. Did you try to stop him from writing the e-mail?

16 A. No.

17 Q. Why not?

18 A. Because I didn't dare.

19 Q. What did you do after that?

20 A. I went to my room. And yeah, I sat on the bed.
21 There was nothing much else to do. And I remember I
22 wanted to try to calm myself. So I started reading a
23 book and at some point, I fell asleep.

24 Q. What happened when you woke up?

25 A. Well, it was in the evening, I think around 8:00 or

Ms. Simonsen - Direct - Mr. Spector

1 9:00 in the evening. I was really hungry because I got
2 very little to eat. So I went to the kitchen and I was
3 all by myself there. So I just cooked myself some
4 noodles from the cupboard.

5 Q. And after you ate, what did you do?

6 A. I went back to bed and yeah, I tried to fall asleep.

7 Q. Were you able to sleep?

8 A. No, I was just so worried.

9 Q. And how were you feeling at that point physically?

10 A. I started shaking. I think that I was like almost in
11 -- having a panic attack or something. I was shaking. I
12 felt nauseous and I was sweating and just so afraid.

13 Q. Did you think about leaving the house at that point?

14 A. Yes, I did, but I figured I don't know this area and
15 it's dark out. There's snow everywhere. I didn't know
16 anything about infrastructure or anything, so I actually
17 didn't dare to go out myself.

18 Q. What did you do?

19 A. Well, at one point I just got so nervous that I
20 thought well maybe I can appeal to Elena. And so --

21 Q. What did you want to appeal to her for?

22 A. Because I thought that if there was anything human to
23 find in this couple, it would be in Elena.

24 Q. And was there anything in particular that you were
25 going to ask for?

Ms. Simonsen - Direct - Mr. Spector

1 A. I was going to ask if I could just please call home.
2 And so, I went downstairs to their bedroom and I opened
3 the door and they were watching TV. And I told them that
4 I was feeling sick.

5 Q. And what happened next?

6 A. Well, Elena turned to her husband and said, "Go tuck
7 her in."

8 Q. And what happened after that?

9 A. Well, Joseph would follow me to my room and I just
10 asked on the way, "Could I please use the phone to call
11 home, just once?" But he said, "No, you're not sick."
12 And then he guided me to my room and well, I laid down
13 under the blanket.

14 Q. And what did he do when you laid down on the blanket.

15 A. He came over and he patted my shoulder. I was laying
16 on the side.

17 Q. And what happened next?

18 A. Well, suddenly he crept down beside me in the bed
19 under the blanket.

20 Q. How were you feeling at that point?

21 A. I was paralyzed. I was really, really afraid.

22 Q. What happened next?

23 A. Well he continued stroking my arm and my shoulder.
24 And then suddenly he would -- he grabbed my breasts.

25 Q. Was that over your shirt or under your shirt?

Ms. Simonsen - Direct - Mr. Spector

1 A. That was from outside the t-shirt and I said, "Oh,
2 don't do this." And I tried to push his hand away and I
3 said, "Don't do this. It's my boyfriend's privilege."
4

5 Q. And what did he do when you did that?

6 A. He continued and said "If you don't let me do this, I
7 will just put my hand under the t-shirt."

8 Q. Did you feel anything physically at that point in the
9 bed?

10 A. Yes, I also felt his erection pushing against my
11 thigh.

12 Q. How did you feel at that point?

13 A. I was afraid. I didn't dare do anything.

14 Q. What were you afraid of?

15 A. I was afraid that he would rape me.

16 Q. So what happened next?

17 A. Well, I tried to, you know, to just sort of push him
18 a little bit away. And I just kept saying, "Oh, I think
19 I need some sleep and I have a long trip tomorrow. So,
20 please just leave me alone. Please leave me alone."

21 Q. And how did he respond?

22 A. Well, after a while, he got up and left me.

23 Q. How long had he continued to have his hand on your
24 breast?

25 A. Five or ten minutes.

Ms. Simonsen - Direct - Mr. Spector

1 Q. And after he left, were you able to sleep?

2 A. No.

3 Q. Uhm.

4 A. Not really. I think I might have dozed off a bit but
5 I was just afraid.

6 Q. What happened the next morning?

7 A. Well, I got up and I packed my things and then I went
8 to the kitchen and Elena was there and she just acting
9 like nothing had happened. And Joseph got my suitcase
10 and put it in the trunk of the car and yeah.

11 Q. Did anything happen on the ride to the airport?

12 A. No, Joseph didn't say a word. He was so angry and he
13 never spoke to me at all. And then at one time, I
14 remember we took a side road from the highway and again,
15 I was just afraid that he would take me to some sort of
16 desolate place and yeah, maybe rape me but he didn't. He
17 just went to buy something in a grocery shop and then we
18 went straight to the airport.

19 Q. After you got back home, what if anything did you do
20 with respect to the au pair website?

21 A. Well, I contacted them within a few days and told
22 them what had happened to me and that they should please
23 remove his profile because he was a fraud.

24 Q. And what, if anything, did you notice about what
25 happened to his profile on the website after that?

Ms. Simonsen - Direct - Mr. Spector

1 A. It was deleted.

2 Q. Did you ever have any further contact with the
3 defendant after you came back home?

4 A. No.

5 Q. What did you do for work after you returned to
6 Denmark?

7 A. Well, I went as au pair, three weeks after in France.

8 Q. And did you have any problems with that experience?

9 A. No, it was lovely.

10 Q. Did you ever do any internet research about the
11 defendant?

12 A. Yes.

13 Q. Why was that?

14 A. Because I suspected that there would be other girls
15 who had suffered the same destiny as I had and maybe even
16 worse.

17 Q. How often would you search -- would you do that kind
18 of search?

19 A. I think maybe once every half a year.

20 Q. Now without telling us what you saw, did there come a
21 time that you saw something on the internet?

22 A. I saw something on the internet in the summer of
23 2009.

24 Q. And what did you do after seeing that?

25 A. I contacted the authorities in the United States.

Ms. Simonsen - Direct - Mr. Spector

1 Q. Before you contacted the authorities, did anyone from
2 law enforcement contact you about the case?

3 A. No.

4 Q. Are you hoping to get any kind of benefit from
5 testifying here today?

6 A. No.

7 Q. Were you required to come here?

8 A. No, I am voluntarily here.

9

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Ms. Simonsen - Direct - Mr. Spector

1 Q. Why did you decide to come testify?

2 MR. SCHNEIDER: Objection.

3 THE COURT: Sustained.

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Ms. Simonsen - Cross - Mr. Schneider

1 Q. Do you know someone named Laura Ramirez?

2 A. No.

3 Q. Do you know someone named Natalie Yagoub?

4 A. No.

5 Q. Do you know someone named Vanessa Stenzel?

6 A. No.

7 Q. Do you know someone named Andrea Kramer?

8 A. No.

9 Q. Do you know someone named Isabel Krintz?

10 A. No.

11 Q. Do you know someone named Bernadette Herczeg?

12 A. No.

13 Q. Do you know someone named Giselle Lunkes?

14 A. No.

15 Q. Do you know who any of the other witnesses in this
16 case are?

17 A. No.

18 MR. SPECTOR: May I have a moment, your Honor?

19 No further questions, your Honor.

20 CROSS-EXAMINATION

21 BY MR. SCHNEIDER:

22 Q. Good afternoon, Ms. Simonsen.

23 A. Good afternoon.

24 Q. My name's Mike Schneider. I'm going to ask you some
25 questions. All right?

Ms. Simonsen - Cross - Mr. Schneider

1 A. Uh-huh.

2 Q. First I'm going to ask you about when you arrived at
3 JFK Airport on January 4th. It's 2006; is that right?

4 A. Yes.

5 Q. Your plane arrived late; is that correct?

6 A. Yes.

7 Q. Do you remember about what time?

8 A. It was late in the evening. It was dark. I think
9 around 11 o'clock or something.

10 Q. And you were coming from Denmark, correct?

11 A. Yes.

12 Q. And you had been living in Denmark your entire life
13 up until then?

14 A. Yes.

15 Q. Denmark is six hours behind --

16 A. Yes.

17 Q. -- New York?

18 So if you arrived at 11:00 it would be 5:00 a.m. in
19 Denmark, correct?

20 A. Yes.

21 Q. And Mr. Yannai was there to pick you up at the
22 airport?

23 A. Yes.

24 Q. And you said he hugged you and he kissed you on your
25 cheek, correct?

Ms. Simonsen - Cross - Mr. Schneider

1 A. Yes.

2 Q. Did that surprise you?

3 A. Not much.

4 Q. It seemed reasonable to you for him to do that; is
5 that right?

6 A. Yeah, but maybe just a little too much. We hadn't
7 met each other before remember.

8 Q. I recall. But you had had, you had exchanged e-mail
9 messages with Joseph, correct?

10 A. Yes.

11 Q. I'm going to -- you still have your binder in front
12 of you with the e-mails in them?

13 A. Yes.

14 Q. I'm going to show you what's been previously marked
15 as Defendant's Exhibit AS-1. I think it's page 9 in your
16 binder.

17 MR. SCHNEIDER: Can I put it on the -- you guys
18 don't need a binder. I'm going to show it on the screen.
19 It'll be easier that way.

20 Q. Okay. So this is -- you looked at this e-mail before
21 when you were meeting with the prosecutors; is that
22 right?

23 A. Yes.

24 Q. And you confirmed that you received this e-mail and
25 you responded to it, correct?

Ms. Simonsen - Cross - Mr. Schneider

1 A. Yes.

2 Q. And if you could just -- maybe I could do it over
3 here. See where I put that purple mark?

4 A. Yes, I see that.

5 Q. Can you read from that purple mark to the end of that
6 paragraph?

7 A. "Can you try and consider me as a long-time friend, a
8 man who you love (no, not the Turk's way) for a long time
9 and feel confident with him. I am facing a real conflict
10 with you that you will have to help me solving just
11 because you still play the cold fish in our exchange of
12 e-mails. And I don't have the data to figure it out by
13 myself."

14 Q. So in that e-mail with Mr. Yannai, you had never met
15 him before you got that e-mail, correct?

16 A. No.

17 Q. But he was telling you to consider him as a long-time
18 friend.

19 A. Sorry. Yeah.

20 Q. Did that strike you as odd?

21 A. Yeah, a little bit because it's sort of forced. You
22 cannot really be friends with somebody you haven't met.

23 Q. Could you turn to I think it's page 17 in your
24 binder? I'm going to show you what's been previously
25 marked as Defendant's Exhibit AS-2. Put it on the screen.

Ms. Simonsen - Cross - Mr. Schneider

1 This is, again, a e-mail that you sent to Joseph, right?

2 A. Yes.

3 Q. You confirmed, again, that you actually wrote this e-
4 mail, right?

5 A. Yes.

6 Q. Can you read that paragraph next to the mark I just
7 put?

8 A. "As to the way Joseph is, I will not be offended or
9 anything when hugging and kissing. We do that a lot in
10 my family as well. And since I am going to be part of
11 their home it comes rather naturally, the intimate
12 relationship that is." Should I continue?

13 Q. No, that's fine. You wrote that, correct?

14 A. Yes.

15 Q. And well, how is your English at this time in 2006?

16 A. Probably not quite as good as it is now, but --

17 Q. Did you knew you were writing when you said it comes
18 rather naturally the intimate relationship?

19 A. I don't think I thought too much about it.

20 Q. All right. Can you turn to page 19?

21 A. Uh-huh.

22 Q. This is a e-mail that you received from a person who
23 you thought was Sylvia, right?

24 A. Right.

25 Q. Can you start reading from "he will behave"?

Ms. Simonsen - Cross - Mr. Schneider

1 A. Yeah. "He will behave to you and that is how he
2 behaves from the very first minute, as if he knows you
3 and loves you for the last 10 years ignoring the fact
4 that you were then 9 years old and will not understand if
5 you will not behave the same."

6 Q. And the next line as well.

7 A. "There is a lot of intimacy, and I do not mean sex.
8 You will realize especially when traveling with him that
9 there will be many occasions that will invite a sexual
10 relationship, but that will be the last thing on his
11 mind."

12 Q. Okay. So you believed that Sylvia was a actual young
13 woman sort of like you, right?

14 A. Yes.

15 Q. And that she had written to you that he was going to
16 be intimate with you.

17 A. Yes.

18 Q. Now, you drove from the airport to Pound Ridge,
19 correct?

20 A. Correct.

21 Q. And how long did it take, do you recall?

22 A. Well, as I said, a bit more than an hour.

23 Q. Anything odd happen during the drive, anything that
24 worried you?

25 A. No.

Ms. Simonsen - Cross - Mr. Schneider

1 Q. Did you sleep?

2 A. No. I think I may have dozed off sometimes during
3 the way home.

4 Q. Did you have a conversation with Mr. Yannai when you
5 were driving?

6 A. Yes.

7 Q. Was there anything about the conversation that made
8 you feel strange or odd or anything like that?

9 A. No, I don't remember what we talked about.

10 Q. And so you arrived at Pound Ridge it must have been
11 sometime after midnight; is that fair to say?

12 A. Yes.

13 Q. And so was Elena, Joseph's wife, there when you
14 arrived?

15 A. Yes, she was there.

16 Q. Was she awake?

17 A. Yes, she was awake.

18 Q. And you met her?

19 A. I met her.

20 Q. And did anything happen that night to make you worry,
21 anything make you afraid that night?

22 A. Well, I wasn't worried but I just thought it was --
23 he was maybe a bit too physical. But I wasn't worried
24 yet.

25 Q. So he hugged you again when you got to the house?

Ms. Simonsen - Cross - Mr. Schneider

- 1 A. Yes.
- 2 Q. And that was in front of his wife.
- 3 A. Yeah.
- 4 Q. And it was a little too intimate for you; would that
- 5 be accurate to say?
- 6 A. Yes.
- 7 Q. But you weren't worried.
- 8 A. No.
- 9 Q. And he also would tell you he loved you, right?
- 10 A. Yeah. I don't remember if he said that that night.
- 11 Q. The next day did he say that?
- 12 A. Yes.
- 13 Q. What did you think about that?
- 14 A. Well, when he said that he'd just been trying to kiss
- 15 me. So I thought that was odd.
- 16 Q. I'm going to show you what's been previously marked
- 17 Defendant's Exhibit P-1 and P-2 for identification at
- 18 this time. It's hard to see on this screen because it's
- 19 glossy. I --
- 20 A. Well, I know the picture.
- 21 Q. You recognize that picture, right?
- 22 A. Yes.
- 23 Q. That's the same one that the Government put into
- 24 evidence. Does it appear to be the same one --
- 25 A. Oh, yeah. Yes, it's the same one. I'm sorry.

Ms. Simonsen - Cross - Mr. Schneider

1 Q. And Defendant's Exhibit P-1.

2 A. Yes.

3 Q. Does that appear to be the same one the Government
4 put into evidence?

5 A. It's the same.

6 MR. SCHNEIDER: I offer these into evidence,
7 Your Honor.

8 MR. SPECTOR: No objection.

9 THE COURT: But they were already in evidence.

10 MR. SCHNEIDER: They are but I paid for
11 glossies.

12 THE COURT: I'm sorry.

13 MR. SCHNEIDER: I paid for glossies, Judge. I
14 can't -- I've got to put these in. They're better
15 images.

16 THE COURT: Oh. So what's the objection?

17 MR. SPECTOR: There's no objection, Your Honor.

18 THE COURT: Oh, I'm sorry. Go ahead. They're
19 admitted.

20 (Defendant's Exhibits P-1 and P-2 marked in evidence.)

21 MR. SCHNEIDER: Could we publish this to the
22 jury?

23 THE COURT: Go ahead.

24 Q. So this is the -- this is one of the pictures that he
25 -- you received through e-mail, correct?

Ms. Simonsen - Cross - Mr. Schneider

- 1 A. Yes.
- 2 Q. And at some point you deleted this picture from your
- 3 computer; is that right?
- 4 A. Yes.
- 5 Q. When did you delete it?
- 6 A. Well, just after seeing it the first time.
- 7 Q. Just right when you got it back in --
- 8 A. Yeah.
- 9 Q. -- November of 2005, something like that.
- 10 A. Yes.
- 11 Q. And why did you delete it?
- 12 A. Well, because I thought it was a little too much to
- 13 show me. I couldn't see the relevance.
- 14 Q. You didn't see it was relevant that he was showing
- 15 himself kissing a young woman on the lips.
- 16 A. No.
- 17 Q. Now, you attempt -- I'm sorry, you attempted to
- 18 contact the U.S. Embassy in Denmark --
- 19 A. Yes.
- 20 Q. -- to see about a visa to be able to work legally in
- 21 the United States, correct?
- 22 A. Yes.
- 23 Q. Because you knew you probably would have to get a
- 24 visa if you wanted to work; is that right?
- 25 A. Yes.

Ms. Simonsen - Cross - Mr. Schneider

1 Q. And at some point, you had a e-mail conversation with
2 I guess Sylvie (ph) and Joseph, and they said no, you
3 can't get a work visa for the work you're going to do; is
4 that right?

5 A. Yes, that's true.

6 Q. And they said it's better that you just come and say
7 that you're a tourist basically, you're going to come
8 visit friends, right?

9 A. Yes.

10 Q. And you did that.

11 A. Yes.

12 Q. And when you came to the airport did they ask you
13 what your purpose was?

14 A. Yes.

15 Q. And you said what?

16 A. I think I said tourism.

17 Q. That was a lie, right?

18 A. Yes. I was instructed to say that.

19 Q. Well, you were instructed. You never met this
20 person, right?

21 A. Well, over e-mails.

22 Q. You never met him face-to-face.

23 A. Right.

24 Q. He asked you to say that so you could get through
25 immigration, right?

Ms. Simonsen - Cross - Mr. Schneider

1 A. Yes.

2 Q. And you said it. You lied, correct?

3 A. Yes.

4 Q. Now, when you traveled here, did you have a round-
5 trip ticket?

6 A. Yes.

7 Q. And you had purchased that yourself. Or let me
8 withdraw that.

9 Mr. Yannai had purchased that for you but with
10 your credit card; is that right?

11 A. Yes.

12 Q. Was your return flight -- well, let me withdraw that.

13 When were -- you were expecting to leave in
14 August.

15 A. Yes.

16 Q. Because you expected to start school in September,
17 correct?

18 A. True.

19 Q. Was your return flight for August?

20 A. No.

21 Q. Do you remember when it was for?

22 A. Not exactly but as it appears from the e-mail
23 correspondence it must have been two months or two months
24 and three weeks after.

25 Q. Because you understood that your Danish passport only

Ms. Simonsen - Cross - Mr. Schneider

1 allowed you to come to the country for three months,
2 correct?

3 A. Yes.

4 Q. And so you would have to have a return ticket within
5 that time; is that right?

6 A. Yes.

7 Q. So you intended I assume with Mr. Yannai to change
8 the ticket at some time later to a later date in August;
9 is that right?

10 A. Yes.

11 Q. So the purpose for you not getting a ticket to return
12 in August was so you could show immigration that you
13 intended to leave the United States in a timely manner.

14 A. Yes.

15 Q. And when you came you knew that your intent was to
16 work for --

17 A. Yes.

18 Q. -- Mr. Yannai.

19 A. Uh-huh.

20 Q. And at some point you got an attorney to explain to
21 you the immunity that the Government was giving you
22 before your testimony here; is that right?

23 A. Yes.

24 Q. How did that happen?

25 A. How was it explained?

Ms. Simonsen - Cross - Mr. Schneider

1 Q. How did you come to meet the lawyer? Did you call a
2 lawyer and pay him money? How did it happen that you got
3 a lawyer?

4 A. Well, it was given to me by the Government.

5 Q. Did you ask for a lawyer?

6 A. No.

7 Q. The lawyer -- the Government said we're going to get
8 a lawyer to talk to you to explain things to you?

9 A. Yes. I was appointed a lawyer.

10 Q. I understand. Did you go to court for that?

11 A. No.

12 Q. The Government arranged it.

13 A. Yes.

14 Q. And your lawyer is Michael Beys?

15 A. Right.

16 Q. He's sitting -- is he sitting back there?

17 A. Yes, he is.

18 Q. Did you speak to him about the case, about what you
19 told the officers at JFK when you arrived?

20 MR. SPECTOR: Objection. Objection.

21 THE COURT: What grounds?

22 MR. SPECTOR: Privileged.

23 MR. SCHNEIDER: It's her privilege, Judge.

24 THE COURT: You can answer the question yes or
25 no.

Ms. Simonsen - Cross - Mr. Schneider

1 THE WITNESS: I need to hear the question
2 again.

3 Q. Did you talk to him about the facts of your case,
4 about how you came to the country, you lied to
5 immigration?

6 A. Yes.

7 Q. And did he explain to you the Government's immunity
8 letter?

9 A. Yes, the statute of limitations I believe.

10 Q. Well, when did you first contact the police in New
11 York, do you remember?

12 A. Summer 2009.

13 Q. Right. And that was within five years of January
14 2006, correct?

15 A. Yes.

16 Q. And your understanding of the statute of limitations
17 is that you could have been prosecuted for lying to
18 immigration anywhere up until January 2011; is that
19 right?

20 A. Yes.

21 Q. And you first contacted the police in summer 2009?

22 A. Yes.

23 Q. Do you remember when you met Mr. Beys? Was that in
24 March?

25 A. No. That was now, in May.

Ms. Simonsen - Cross - Mr. Schneider

1 Q. Well, so I'm going to talk now about the next day I
2 guess when you woke up --

3 A. Okay.

4 Q. -- January 5th, 2007, sorry, 2006. What happened?

5 A. When I woke up?

6 Q. Yeah.

7 A. Well, I got up and I showered. And as I said before,
8 Elena showed me around the house. And later Joseph
9 showed me the office.

10 Q. Do you remember when you woke up?

11 A. I think early in the morning around 8:00.

12 Q. You were -- I assume you were still on Danish time.

13 A. Well --

14 THE COURT: You mean the body clocks were --

15 Q. That's what I meant.

16 A. Oh, body clocks.

17 Q. Yes.

18 A. Oh, yeah. I guess I was.

19 Q. Right. Because 8 o'clock in New York is 2:00 in the
20 afternoon in Denmark, right?

21 A. Yes. Yeah.

22 Q. And at some point I guess after you had breakfast,
23 you asked -- well, was it before or after breakfast you
24 were asked to make phone calls?

25 A. It was after.

Ms. Simonsen - Cross - Mr. Schneider

- 1 Q. And Mr. Yannai gave you the phone. You were able to
2 make phone calls; is that right?
- 3 A. That's true.
- 4 Q. You called your parents first.
- 5 A. Yes.
- 6 Q. What language did you speak to them in?
- 7 A. Danish.
- 8 Q. As far as you know does Mr. Yannai speak any Danish?
- 9 A. I don't think he does, no.
- 10 Q. Do you remember how long you spoke to your parents?
- 11 A. Well, five minutes.
- 12 Q. And then you called your boyfriend?
- 13 A. Yes.
- 14 Q. Was it immediately after you called your parents?
- 15 A. Yes, it was immediately after.
- 16 Q. And you spoke to him, correct?
- 17 A. Yes.
- 18 Q. In what language?
- 19 A. Danish.
- 20 Q. And how long did you talk to him?
- 21 A. I think 10 minutes -- until the phone was hung up.
- 22 Q. Say that again?
- 23 A. Until the phone was hung up.
- 24 Q. You say that Mr. Yannai came and he hung up the
25 phone.

Ms. Simonsen - Cross - Mr. Schneider

- 1 A. Yes.
- 2 Q. And what did he say to you when he hung up the phone?
- 3 A. He told me that I should not talk this extensively
- 4 with the folks back home.
- 5 Q. You were calling -- you were making an international
- 6 call, right, from New York to Denmark; is that right?
- 7 A. Yes.
- 8 Q. And at some point after that or was it immediately
- 9 after that that he kissed you?
- 10 A. It was immediately after that.
- 11 Q. And that -- well, you said that was too far, right?
- 12 A. Yes.
- 13 Q. Even though the e-mails I went through with you, you
- 14 remember saying or writing to Sylvia I will not be
- 15 offended or anything when hugging and kissing. You
- 16 remember writing that, right?
- 17 A. Well, there's a difference between forcing a kiss on
- 18 somebody's lips and then kissing -- both people agreeing
- 19 and kissing on the cheek, for instance.
- 20 Q. So that's what you were expecting when you arrived.
- 21 A. Yes.
- 22 Q. And you didn't -- you were surprised when he tried --
- 23 when he kissed you on the lips?
- 24 A. Yes. I was shocked.
- 25 Q. You were shocked. But you didn't want it, right?

Ms. Simonsen - Cross - Mr. Schneider

- 1 A. I did not want it, no.
- 2 Q. But you -- Sylvia had written to you, he will behave
- 3 to you and that is how he behaves from the very first
- 4 minute, as if he knows you and loves you for the last 10
- 5 years.
- 6 A. But his manner was not loving. It was forcing
- 7 something on me involuntarily.
- 8 Q. And you said you didn't want it, right?
- 9 A. Yes.
- 10 Q. And he said okay, I guess we'd better go to work
- 11 then, right?
- 12 A. Well, yes, after holding me for some small period of
- 13 time. He didn't just, like, leave me instantly.
- 14 Q. What do you mean holding you?
- 15 A. Well, he hugged me.
- 16 Q. He hugged you?
- 17 A. Yes.
- 18 Q. And then he let you go.
- 19 A. Yes.
- 20 Q. And said it's time to get to work. Then he took you
- 21 to the computer and showed you how to do research,
- 22 correct?
- 23 A. Yes.
- 24 Q. And at that minute you knew you wanted to leave,
- 25 right?

Ms. Simonsen - Cross - Mr. Schneider

- 1 A. Yes.
- 2 Q. But you didn't know how to broach the subject. You
- 3 didn't know how to bring it up.
- 4 A. No.
- 5 Q. Why not? Couldn't you just say look, man, you kissed
- 6 me, I want to -- I'm leaving?
- 7 A. Well, I was in shock.
- 8 Q. Well, how long did you go back and work on the
- 9 computer?
- 10 A. I don't know, maybe for an hour.
- 11 Q. And you didn't mention anything about, you know, this
- 12 isn't for me. You didn't go find Joseph and say this
- 13 isn't for me, I'm leaving?
- 14 A. Well, I was sitting in front of the computer and
- 15 considering different ways of doing this.
- 16 Q. But you never approached him and said that, right?
- 17 It never came up until he brought it up; is that fair to
- 18 say?
- 19 A. That's true.
- 20 Q. And that happened after lunch; is that accurate?
- 21 A. Yeah.
- 22 Q. You were having lunch, and your boyfriend called.
- 23 A. Yes.
- 24 Q. And you spoke to your boyfriend, correct?
- 25 A. Yes.

Ms. Simonsen - Cross - Mr. Schneider

- 1 Q. And your boyfriend was very upset.
- 2 A. Yes.
- 3 Q. And in turn, you became very upset.
- 4 A. Yes.
- 5 Q. Were you crying during that phone call?
- 6 A. Yes.
- 7 Q. And Joseph was there the whole time, and he heard you
- 8 speaking in Danish, correct?
- 9 A. Yes.
- 10 Q. He saw you crying.
- 11 A. Yes.
- 12 Q. And he was motioning you to get off the phone.
- 13 A. Yes.
- 14 Q. And eventually, you did hang up the phone.
- 15 A. Yes.
- 16 Q. And you had been speaking with your boyfriend and
- 17 your sister.
- 18 A. Yes.
- 19 Q. And Joseph, at that point he took you to the
- 20 livingroom and he sat down on the other end of the couch
- 21 from you, correct?
- 22 A. Yes.
- 23 Q. And he had a discussion with you; is that accurate?
- 24 A. That's true.
- 25 Q. And he said look, you can stay here for six months.

Ms. Simonsen - Cross - Mr. Schneider

1 You can do what I say about the phones, you know, about
2 how to dress and follow my instructions, or you can go
3 back. You decide.

4 A. Yes.

5 Q. And in that moment, you decided I'm going back,
6 right?

7 A. Yes.

8 Q. But you decided to go to your room for an hour
9 because he had given you an hour to think it over and you
10 thought it would be rude to tell him right away?

11 A. Yes. You don't want to say -- you don't want to do
12 anything else than what he told -- tells you to. He was
13 very threatening.

14 Q. Well, when you say he was threatening, did he
15 threaten to hit you?

16 A. He was shouting to me right in the face --

17 Q. He was yelling.

18 A. -- and leaning over me. Yeah.

19 Q. So it was his tone of voice that was threatening to
20 you.

21 A. Yes, and the fact that he had been assaulting me
22 sexually in downstairs with kissing me and grabbing me.

23 Q. So you view the kiss downstairs as a sexual assault.

24 A. Yes.

25 Q. Did you call the police?

Ms. Simonsen - Cross - Mr. Schneider

- 1 A. No.
- 2 Q. And you got to -- he drove you to JFK the next day,
- 3 right?
- 4 A. Uh-huh.
- 5 Q. Dropped you off.
- 6 A. Yes.
- 7 Q. You saw police there, right?
- 8 A. I don't remember that.
- 9 Q. Okay. But you didn't talk to any police officers at
- 10 the airport and say there's this crazy sexual assaulter,
- 11 did you?
- 12 A. No, I didn't.
- 13 Q. Did you call the police from the airport to make a
- 14 report?
- 15 A. No.
- 16 Q. When you got back to Denmark did you call the police?
- 17 A. No.
- 18 Q. So after -- you went to your room for an hour, and
- 19 then after you -- well, did you come out and talk to Mr.
- 20 Yannai?
- 21 A. Yes.
- 22 Q. And you told him you made up your mind.
- 23 A. Yes.
- 24 Q. You want to leave.
- 25 A. Yes.

Ms. Simonsen - Cross - Mr. Schneider

1 Q. And he said -- he asked for your credit card?

2 A. Yes.

3 Q. And that was so he could change your ticket, right?

4 A. Yes.

5 Q. Because you had a return ticket. He had to change
6 the date; is that right?

7 A. I think we bought a new one.

8 Q. He didn't just change your return ticket?

9 A. No, because I paid for a full ticket.

10 Q. Are you sure or are you just -- I'm saying do you
11 remember that now or are you just thinking that might
12 have been what happened?

13 A. I'm pretty sure that was what happened because it was
14 really expensive.

15 Q. And then after that you went back up to your room,
16 right?

17 A. Yes.

18 Q. And at this point it was what time, do you know?

19 A. Well, in the afternoon sometime, late in the
20 afternoon.

21 Q. Late in the afternoon?

22 A. Yeah, I think so.

23 Q. So if it was 4 o'clock it would be 10 o'clock in
24 Denmark, right?

25 A. Yes.

Ms. Simonsen - Cross - Mr. Schneider

1 Q. And when you're in your room at some point you fall
2 asleep, correct?

3 A. Yeah.

4 Q. And you wake up later in the evening.

5 A. Uh-huh.

6 Q. Do you remember what time you woke up?

7 A. Well, I think I said before around 8 o'clock.

8 Q. And when you woke up -- well, during the time you
9 slept in your room from afternoon to evening, from 4:00
10 to 8:00 or whatever time it was, did Mr. Yannai come to
11 bother you?

12 A. No.

13 Q. Did he knock on your door?

14 A. No.

15 Q. Did he sneak in your room?

16 A. No.

17 Q. Come sit on your bed?

18 A. No.

19 Q. What happened when you woke up at 8:00 or 9:00,
20 whatever time it was?

21 A. I went to the kitchen to get some food.

22 Q. Did you see Mr. Yannai?

23 A. No.

24 Q. Did you see Elena?

25 A. No.

Ms. Simonsen - Cross - Mr. Schneider

1 Q. Your bedroom was on the main floor, the top floor of
2 the house, right?

3 A. Yes.

4 Q. And their bedroom was downstairs.

5 A. Yes.

6 Q. Did you go downstairs at all right after you woke up?

7 A. No.

8 Q. Stayed upstairs, the kitchen is on that level.

9 A. Yes.

10 Q. And you went to the kitchen. You made yourself
11 dinner.

12 A. Yes.

13 Q. You ate it.

14 A. Yes.

15 Q. And you went back to your bedroom.

16 A. Yes.

17 Q. You never saw Mr. or Mrs. -- Mr. Yannai or his wife.

18 A. No.

19 Q. And you tried to go to sleep.

20 A. Yes.

21 Q. And you had problems going to sleep; is that right?

22 A. Yes.

23 Q. And you -- well, describe what happened. How were
24 you feeling? Did you have a panic attack?

25 A. Yes. I felt something like I was physically feeling

Ms. Simonsen - Cross - Mr. Schneider

1 really sick and I was shaking.

2 Q. Physically shaking.

3 A. Yes.

4 Q. Do you remember what time it was?

5 A. No. It was after I had dinner, so in the evening
6 like 9:00 or 10:00 -- 10:00.

7 Q. And at some point you decide to go downstairs to
8 where Mr. Yannai and his wife are in bed to -- well, what
9 was your intention?

10 A. Well, as I said, I hoped that I could evoke some
11 sympathy and be allowed to make a phone call.

12 Q. And when you went down to the room, weren't they
13 sleeping?

14 A. No. No, they were watching TV.

15 Q. And you told them that you were feeling sick?

16 A. Yes.

17 Q. And did you ask to use the phone?

18 A. Not down there because Elena would say just
19 immediately after I said I was feeling sick she said that
20 well, Joseph, go tuck her in.

21 Q. And so then you immediately went back upstairs with
22 Joseph?

23 A. Yes.

24 Q. And what was he wearing?

25 A. A tee shirt and underpants.

Ms. Simonsen - Cross - Mr. Schneider

1 Q. Did you tell him you know what, I can put myself to
2 bed?

3 A. No, but I turned to him while we were walking towards
4 my room and asked if I could use the phone.

5 Q. And he said no, you can't, you're not sick.

6 A. Yes.

7 Q. And did you say you know what, I can put myself to
8 bed?

9 A. No, I didn't.

10 Q. And you say Joseph went back to your bedroom, right?

11 A. Yes.

12 Q. Were you still shaking at this time, still physically
13 shaking?

14 A. Yes, I think I was.

15 Q. You -- I mean, you were still -- you were having, as
16 you said, a panic attack.

17 A. Uh-huh.

18 Q. Would you say you appeared very upset?

19 A. Yes.

20 Q. And you got into bed.

21 A. Yes.

22 Q. And Joseph sat by the bed and he was rubbing your
23 back.

24 A. No. At first he just stood up and he would, like,
25 pat my shoulder.

Ms. Simonsen - Cross - Mr. Schneider

- 1 Q. Pat your shoulder.
- 2 A. Uh-huh.
- 3 Q. And was he trying to comfort you?
- 4 A. I couldn't say. I don't know what he thought.
- 5 Q. What was he saying?
- 6 A. I don't remember him saying anything.
- 7 Q. You knew you were going back to Denmark in the
- 8 morning, correct?
- 9 A. Yes.
- 10 Q. And you say that he eventually laid down in bed next
- 11 to you?
- 12 A. Yes.
- 13 Q. And got under the covers.
- 14 A. Yes.
- 15 Q. Did you tell him get out of here?
- 16 A. Well, I said no, don't do this. I believe I said
- 17 maybe not get out of here but I gestured to him no, don't
- 18 do this.
- 19 Q. That's right when he first laid down you gestured
- 20 don't do this, or did you say don't do this?
- 21 A. I gestured.
- 22 Q. Did you say no, I'm okay, go back to bed?
- 23 A. I don't remember quite what I said.
- 24 Q. And you said at some point he touched your breast
- 25 over your shirt, correct?

Ms. Simonsen - Cross - Mr. Schneider

- 1 A. Yes.
- 2 Q. You told him look, don't do that. That's --
- 3 A. Yes.
- 4 Q. That's -- my boyfriend --
- 5 A. Yes.
- 6 Q. -- is the only one who does that. And you said he
- 7 didn't stop for minutes; is that right?
- 8 A. He didn't stop.
- 9 Q. I'm saying you're saying Mr. Yannai didn't stop
- 10 touching your breast for minutes.
- 11 A. For minutes?
- 12 Q. For minutes, for several minutes.
- 13 A. Oh.
- 14 Q. For a period of time. For how long?
- 15 A. Well, he continued doing that for a while, and then,
- 16 you know, he said well, if you don't let me do it I'll
- 17 just put my hand under your tee shirt.
- 18 Q. And did you tell him you know what, just get out of
- 19 here then?
- 20 A. Well, he just said that, you know, if I said no he
- 21 could -- he was so big physically laying with his hand
- 22 over me, you know, I didn't really feel like I could say
- 23 get out of here.
- 24 Q. Well, at some point you said you know what, I'm
- 25 feeling better. I need to get some sleep.

Ms. Simonsen - Cross - Mr. Schneider

- 1 A. Yes.
- 2 Q. And he left after that.
- 3 A. Yes, after some minutes.
- 4 Q. The next morning he took you straight to the airport.
- 5 A. Yes. Oh, not straight, he had --
- 6 Q. For --
- 7 A. -- a sort of detour but --
- 8 Q. Anything -- aside from your fear, did anything
- 9 strange happen during that trip?
- 10 A. No.
- 11 Q. You had no conversation, correct?
- 12 A. No.
- 13 Q. Now, you've -- we've never met before, correct?
- 14 A. Correct.
- 15 Q. You've met Mr. Spector, Ms. Stone and Ms. Jager
- 16 before, correct?
- 17 A. Yes.
- 18 Q. In fact, the Government paid for you to fly to the
- 19 United States in March of this year; is that right?
- 20 A. Yes.
- 21 Q. And you met with them over two days.
- 22 A. Yes.
- 23 Q. And about how long did you spend with them over those
- 24 two days?
- 25 A. I don't know, maybe four or five hours.

Ms. Simonsen - Cross - Mr. Schneider

1 Q. Each day?

2 A. No, all.

3 Q. And they paid for your ticket to come in March?

4 A. Yes.

5 Q. And they paid for your hotel.

6 A. Yes.

7 Q. And how many days did you stay?

8 A. I think I stayed here four days.

9 Q. Did you come alone or did you bring somebody with
10 you?

11 A. I was alone.

12 Q. And again, they paid for you to come back recently,
13 correct?

14 A. Yes.

15 Q. And you arrived, what, like a week ago?

16 A. I arrived -- yeah, what date --

17 Q. Was it May 17th?

18 A. The 17th, yes, the 17th.

19 Q. And they've paid for your hotel since then?

20 A. Yes.

21 Q. Did a family member come with you?

22 A. Yes.

23 Q. But they didn't pay for the family member.

24 A. No.

25 Q. Just for you.

Ms. Simonsen - Cross - Mr. Schneider

1 A. Just for me.

2 Q. And during -- and have you met with the Government
3 since May 17th?

4 A. Yes.

5 Q. How many times?

6 A. Twice.

7 Q. And for about how long?

8 A. For about three or four hours -- three hours.

9 Q. And did they discuss with you what your testimony was
10 going to be?

11 A. Well, yeah, we prepared.

12 Q. They prepared. They told you what sort of questions
13 they were going to ask, and you told them what sort of
14 answers you were going to give, correct?

15 A. Yes.

16 MR. SCHNEIDER: Just one moment, Your Honor.

17 (Pause)

18 Q. Ms. Simonsen, I just want to get clear the phone
19 calls that you had -- that you made to Denmark and that
20 you received from Denmark. Is it your testimony that you
21 received one phone call -- let me withdraw that.

22 You called your parents one time on January 5th.

23 A. Yes.

24 Q. And how long did that last?

25 A. Well, I don't know, five or ten minutes. I don't

Ms. Simonsen - Cross - Mr. Schneider

1 really remember.

2 Q. Was it -- would it have been longer than 10 minutes?

3 A. I don't think so. I think all in all I must have
4 been talking on the phone for 15 minutes, maximum 20
5 minutes that morning.

6 Q. Okay. And so -- and then you called your boyfriend
7 that morning as well.

8 A. Yes.

9 Q. And you don't think that lasted more than 10 minutes?

10 A. No, maybe 15.

11 Q. And then you spoke to your boyfriend again when he
12 called the home.

13 A. And then what?

14 Q. You spoke to your boyfriend again when he called the
15 -- he called New York.

16 A. Yes.

17 Q. And how long did that last?

18 A. Ten minutes.

19 Q. Did you have any other phone conversations while you
20 were in New York?

21 A. No. Well, in the same phone conversation I was
22 talking with my sister too.

23 Q. Okay. When -- you testified that Joseph grabbed your
24 -- forced you to kiss him.

25 A. Yes.

Ms. Simonsen - Cross - Mr. Schneider

1 Q. Where was his wife at that time, do you know?

2 A. I think she was upstairs. She was not in the same
3 room.

4 MR. SCHNEIDER: Your Honor, I'm going to offer
5 Defendant's Exhibit AS-1 and AS-2 into evidence. These
6 are subsets of Government's Exhibit 400 I think.

7 MR. SPECTOR: They're already in evidence so no
8 objection.

9 MR. SCHNEIDER: Well, I want the defense
10 exhibits --

11 THE COURT: All right. Your exhibits are in
12 admitted.

13 (Defendant's Exhibits AS-1 and AS-2 marked in evidence.)

14 MR. SCHNEIDER: Thanks. No further questions.

15 MR. SPECTOR: No redirect, Your Honor.

16 THE COURT: Ladies and gentlemen, we're going
17 to break for lunch for an hour. There's a cafeteria in
18 the building. There's sort of a concession stand
19 downstairs on the main floor. You don't have to use
20 either of them. I just want you to know that they're
21 there.

22 Okay. You're excused. Thank you.

23 THE CLERK: All rise.

24 (Jury exits)

25

Ms. Simonsen - Cross - Mr. Schneider

1 THE COURT: All right. See you in an hour.

2 MS. CESARE: When shall we be back?

3 THE COURT: An hour.

4 (Court recessed.)

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Ms. Ramirez - Direct - Ms. Jager

1 THE CLERK: All rise.

2 THE CLERK: Please be seated.

3 (Witness takes the stand.)

4 THE COURT: Would you raise your right hand?

5 **L A U R A M A R I E L L A R A M I R E Z E S C O B A R,**
6 **having been first duly sworn, was examined and**
7 **testified through an interpreter as follows:**

8 THE COURT: Okay.

9 THE CLERK: The record shall reflect that the
10 interpreter has previously been sworn by this Court.
11 Please state your name for the record.

12 THE INTERPRETER: Libya Clancy, C-l-a-n-c-y).

13 MS. JAGER: May I inquire, Your Honor?

14 THE COURT: Yes.

15 DIRECT EXAMINATION

16 BY MS. JAGER:

17 Q. Good afternoon. Could you please state and spell
18 your name for the record?

19 A. Laura Mariella Ramirez Escobar.

20 Q. What country are you from, Ms. Ramirez?

21 A. Mexico.

22 Q. What country do you live in now?

23 A. Mexico.

24 Q. What is your first language?

25 A. Spanish.

Ms. Ramirez - Direct - Ms. Jager

1 Q. Are you able to read and speak English?

2 A. Some things.

3 Q. Are you more comfortable testifying in English or in
4 Spanish?

5 A. In Spanish.

6 Q. Who paid for your travel expenses to come to the
7 United States to testify at this trial?

8 A. The Government of the United States.

9 Q. And did the Government pay for anybody to travel with
10 you?

11 A. My mother and my daughter.

12 Q. And how old is your daughter?

13 A. Two years old.

14 Q. Why did the Government pay for them to travel with
15 you?

16 A. Because my daughter is very little and she needs to
17 be with me, and I need somebody to look after her like my
18 mother.

19 Q. Before today did you meet with the Government to
20 prepare for your testimony today?

21 A. That is correct.

22 Q. And did you previously travel to the United States to
23 meet with the Government about this case?

24 A. In February of 2011.

25 Q. And who paid for your travel expenses for that trip?

Ms. Ramirez - Direct - Ms. Jager

- 1 A. The Government of the United States.
- 2 Q. And did anybody travel with you at that time?
- 3 A. No, nobody, only myself.
- 4 Q. Do you know somebody named Joseph Yannai?
- 5 A. Yes, I know him.
- 6 Q. How do you know him?
- 7 A. I met him through Internet and I worked at his home.
- 8 Q. Do you see Mr. Yannai in the courtroom here today?
- 9 A. Yes, I do see him.
- 10 Q. Will you please identify him based on an article of
- 11 clothing that he's wearing?
- 12 A. He has a black suit and a dark colored tie. And he's
- 13 the man with a beard and bald.
- 14 MS. JAGER: Let the record reflect that the
- 15 witness has identified the defendant.
- 16 Q. How old are you, Ms. Ramirez?
- 17 A. Thirty.
- 18 Q. And how -- are you married?
- 19 A. Yes, I am married.
- 20 Q. Are you currently employed?
- 21 A. No, sir.
- 22 Q. And what is your educational background?
- 23 A. University.
- 24 Q. And what do you have your degree in?
- 25 A. Business administration.

Ms. Ramirez - Direct - Ms. Jager

1 Q. What if any employment did you have after you
2 graduated from University?

3 A. I was, like, the manager at a casino.

4 Q. And what did you do after working as the casino
5 manager?

6 A. I looked for an au pair job through Internet.

7 Q. What is an au pair?

8 A. A person who looks after children and who helps out
9 with some household chores.

10 Q. Did you know anyone -- strike that.

11 Why did you want to work as an au pair?

12 A. I wanted to raise my -- the level of my English.

13 Q. And did you know anyone who had worked an au pair?

14 A. I have some acquaintances.

15 Q. And did they generally have positive or negative
16 experiences?

17 A. Positive.

18 Q. And how did you go about looking for work as an au
19 pair?

20 A. I put my profile, like my name, my age, my e-mail
21 address, my telephone number on some of the au pair pages
22 on Internet.

23 Q. Do you remember the names of any of the websites that
24 you registered with?

25 A. I just remember one, which is www.aupairoption.com.

Ms. Ramirez - Direct - Ms. Jager

1 Q. And when did you register with them approximately?

2 A. In May of 2006.

3 Q. Now, you said you register -- excuse me, you said you
4 posted profiles with websites advertising au pair
5 positions and that you posted your profile. Did that
6 profile also include your photograph?

7 A. Yes, that is correct.

8 Q. And why did it include your photograph?

9 A. It was the suggestion of the page itself.

10 Q. Now, what if any country did you want to work in when
11 you applied to be an au pair?

12 A. In the United States.

13 Q. And was there a particular place in the United States
14 where you wanted to work?

15 A. New York.

16 Q. Why New York?

17 A. Because I always had wanted to come touring here.

18 Q. And at that point in your life had you ever been to
19 the United States before?

20 A. Several times at the border for shopping and in
21 Chicago and Dallas on a trip.

22 Q. And approximately how far away from the border do you
23 live in Mexico?

24 A. Three hours' drive.

25 Q. Now, were you contacted about any au pair

Ms. Ramirez - Direct - Ms. Jager

1 opportunities in response to your posting on the au pair
2 website?

3 A. I got answers from Spain, from Australia, and one
4 from New York.

5 Q. And with respect to the e-mail about the job in New
6 York, who was that e-mail from?

7 A. From Joanna Kulik.

8 Q. Did there come a point in time when you also received
9 e-mails from the defendant, Joseph Yannai?

10 A. Yes, that too.

11 MS. JAGER: May I approach, Your Honor?

12 THE COURT: Yes.

13 Q. I'm showing you what's been marked Government's
14 Exhibits 501 to 513. Can you take a look at those
15 documents? What are they?

16 A. They are the e-mails that I wrote between Joanna and
17 Yannai and I.

18 Q. And did you review those e-mails prior to your
19 testimony here today?

20 A. Yes, that is correct.

21 Q. And did you sign at the bottom of each e-mail
22 verifying that you had reviewed it?

23 A. Yes. This is my signature.

24 Q. And were these e-mails all saved to your e-mail
25 account?

Ms. Ramirez - Direct - Ms. Jager

1 A. That is correct.

2 MS. JAGER: Government offers Government's
3 Exhibits 501 to 513 into evidence.

4 MS. CESARE: No objections.

5 THE COURT: They're admitted.
6 (Government's Exhibits 501 to 513 marked in evidence.)

7 Q. Did you forward these e-mails to the Government?

8 A. That is correct.

9 Q. I'm showing you what's in evidence as Government's
10 Exhibit 501. What is it?

11 A. This is the e-mail that I received from Joanna.

12 Q. And what is -- e-mail address is it from?

13 A. Jyasst@aol.com.

14 MS. JAGER: Your Honor, could we please publish
15 to the jury?

16 THE COURT: Yes.

17 MS. JAGER: Thank you.

18 Q. I'm sorry. Just to go back, what e-mail address is
19 it from?

20 A. Jyasst@aol.com.

21 Q. And who signed this e-mail?

22 A. Joanna.

23 Q. Could you please read the highlighted portions of
24 this e-mail?

25 A. "Dear Laura, we are not looking for an au pair as an

Ms. Ramirez - Direct - Ms. Jager

1 au pair is for children. We are looking for an assistant
2 to my previous boss. For more than two years I had the
3 same job I offering you now, who is far away from being a
4 child. He's 63 years old. The boss is a businessman
5 who's operate from home. He's completely independent,
6 not disabled and takes very good care of himself. He's
7 married. His wife is 40 years old and very hardworking
8 person.

9 "You will not be a nurse or a caregiver as he doesn't
10 need one. You will seem to be here to make his life
11 easier -- make coffee, prepare breakfast and lunch.
12 Dinner they usually goes out or the wife cooks. Keep the
13 part of the house from which he's working neat and clean.
14 Accompany him in all his travels and he travel a lot.
15 Ensure a combination of companion, personal helper. If
16 you were a man, it's kind of butler.

17 "You will have your own room, your own bedroom, and
18 will instantly become part of the family. When they go
19 out, they will offer you to join them. When they
20 entertain at home, you will be sitting with them and
21 their guest at the table. You will be never treated as a
22 maid."

23 Q. Ms. Ramirez, what did you think when you received
24 this e-mail?

25 A. That it was a good job to become familiar with an

Ms. Ramirez - Direct - Ms. Jager

1 American family and to learn English and not have to look
2 after children.

3 Q. Did you respond to that initial e-mail from Joanna?

4 A. Yes, that is correct.

5 Q. And can you summarize what you said in that response?

6 A. Could I see the e-mail?

7 Q. Showing you what's in evidence as Government's
8 Exhibit 502.

9 A. Yes. Now I remember. I told her I was interested.
10 And I asked her to call me and tell me how long did they
11 want me to be up here and about the payment.

12 Q. Did you receive another e-mail from Joanna in
13 response to your e-mail?

14 A. Yes, that is correct.

15 Q. I'm showing you what's in evidence as Government's
16 Exhibit 502.

17 MS. JAGER: And could we publish to the jury
18 please?

19 THE COURT: Yes.

20 Q. Government's Exhibit 502. What e-mail address is
21 this from?

22 A. Jyasst@aol.com.

23 Q. Could you please read the highlighted portion?

24 A. Yes. "As to the pay, you will have two options to
25 choose from and you will have to choose before you come.

Ms. Ramirez - Direct - Ms. Jager

1 One is live out option, in which case you will be paid
2 \$2,000 a month. His business pay monthly but all the
3 expenses will default to him when you're at their home,
4 and all the expenses when you travel with Joseph are on
5 you. You will have to find and pay for your own room,
6 apartment, share combination with a roommate and each and
7 every one of your expenses outside the house where you
8 will be working.

9 "The other option is living in option. Everything
10 from clothing to shoes, from Tampax to hair dressers,
11 from books or CDs will pay by him. And you will be
12 surprised at how generous he is. In most cases, you will
13 not even have to ask. He will get what you need before
14 you even thought about it. But you will not get paid a
15 salary. At the end of your working year, and that is
16 only if you will be with him for the whole year, you will
17 receive a bonus of 20,000, which is -- which will be net
18 as you did not spend a penny during the year.

19 "Myself, I choose the live in option, and I am very
20 happy about it, not only because of the money but because
21 of the experience."

22 Q. Did the e-mail tell you more about the position?

23 A. Yes. It said that I would have to be available to
24 prepare a cup of coffee for him, prepare something for
25 him to eat and like that, mostly chores like a companion.

Ms. Ramirez - Direct - Ms. Jager

1 Q. And what if anything appealed to you about this
2 opportunity?

3 A. The experience of learning from a businessman and the
4 money, which paid more than a regular au pair.

5 Q. How much did you understand au pairs typically made
6 in terms of pay?

7 A. Six hundred dollars a month.

8 Q. And for what period of time did you want to come to
9 the United States?

10 A. Initially from three to six months, but then after
11 this e-mail I thought I might be able to stay a whole
12 year in order to receive the bonus.

13 Q. Did you respond to this second e-mail from Joanna?

14 A. Yes, that is correct.

15 Q. And I'm showing you what's in evidence as
16 Government's Exhibit 503. Do you -- what did you say in
17 your response to Joanna?

18 A. I said I would be interested. I asked whether I
19 would be needing a work visa. I asked for references,
20 and I asked whether there would be a contract.

21 Q. Who did you ask for references for?

22 A. References on the person that I would be working for.

23 Q. And who did you understand that to be?

24 A. Joseph Yannai.

25 Q. And why did you ask for references for Joseph Yannai?

Ms. Ramirez - Direct - Ms. Jager

1 A. Because since this was through Internet I could not
2 be certain with whom I may be dealing.

3 Q. Did you receive a response from Joanna?

4 A. Yes.

5 Q. I'm showing you what's in evidence as Government's
6 Exhibit 503.

7 MS. JAGER: Please publish this for the jury.

8 THE COURT: Yes.

9 Q. What is this?

10 A. This is an e-mail that Joanna sent me.

11 Q. Could you please read the highlighted portion?

12 A. "You will probably never get a working visa while
13 being in Mexico. You will come with your tourist visa,
14 and after a few weeks of being here the attorneys will
15 start working on your permanent working visa. Joseph's
16 company currently have a little over of 30 employees and
17 probably had 100 during the more than 20 years he's in
18 business. None of them asked for a contract. I don't
19 know how is in Mexico, but over here it's not customary.
20 He will be ready to put into writing contract everything
21 you agreed open and everything that was in my letters to
22 you but only after you will receive your work permit.

23 "Now, to the reference, Joseph and Elena are ready to
24 bring a stranger from a different country, a different
25 person to their home, their house, their family. These

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1 persons can be crazy, dishonest or even worse, stupid.
2 These person can completely destroy the family life. And
3 when you will get there, you will realize how wonderful
4 the relationship are can create damage to their houses or
5 their art collections worth many million of dollars or
6 set -- or even abuse the dog, which is as dear to them as
7 the dog you -- we are collecting in the streets. And
8 still, they didn't ask you for reference. So in your
9 reply, you offer it. Why? Because another of the job
10 and another of the relationship should be and will be
11 based on trust, and you cannot start a relationship like
12 that with these truths.

13 "That say, I understand if that for you Joseph and
14 his wife are not as obvious as they are to me. I will
15 not ask Joseph for a reference because he will laugh at
16 me. I don't think that anyone, even those who seek
17 silent have contract with him ever ask of him for
18 reference. And with that opportunity which I support
19 with all my heart because from the other candidates I've
20 seen you will be the best for Joseph, will go away.

21 "There is one website which hopefully will help you
22 understand Joseph and his work, which we did sell
23 directly to the public. And that is the website of a
24 book we published, which was (indiscernible), about one
25 million copies, which is called The International Who's

Ms. Ramirez - Direct - Ms. Jager

1 Who of the Chef and the website is

2 www.internationalchef.com.

3 Q. What was your reaction -- excuse me -- Joanna's
4 response said that no one had ever asked for references
5 for the defendant before. How did that make your feel?

6 A. Ridiculous.

7 Q. And what was your reaction to reading about the book
8 that is referenced in this e-mail?

9 A. I went into the internet to search and I found the
10 page for it and I thought she was a very successful
11 person.

12 Q. At the end of this e-mail did Joanna suggest that you
13 contact someone?

14 A. May I see it? Yes.

15 Q. Who did she suggest that you contact?

16 A. With Joseph, and she gives me his e-mail address and
17 asks for my telephone number.

18 Q. And did you respond to Joanna and provide your
19 telephone number?

20 A. That is correct.

21 Q. Did there come a time when you received a phone call
22 from the defendant?

23 A. Yes.

24 Q. And what was your reaction after talking to him?

25 A. I was happy that he had called that he was actually

Ms. Ramirez - Direct - Ms. Jager

1 real.

2 Q. Now did you correspond with him after that call?

3 A. That is correct.

4 Q. And how did you correspond with him?

5 A. Through e-mail.

6 Q. I'm showing you what's in evidence as Government's
7 Exhibit 505. Please publish to the jury. What is this?

8 A. The first e-mail I received.

9 Q. From who?

10 A. From Joseph.

11 Q. And what e-mail address is it from?

12 A. PublishersPlus@aol.com.

13 Q. Would you please read the highlighted portion?

14 A. "Dear Laura, I guess it's okay to call you that as
15 that is how your signing your e-mail. I really enjoy
16 talking to you. Joanna was right, I think you are the
17 girl for me. Even so I guess we'll have to work hard on
18 the fact that even you are admitting somewhat that you're
19 a little childish and younger than other woman in your
20 age. It's great that your mother is supportive of you
21 coming to me. How about your father and your brother?
22 And let me now immediately when you will find out about
23 the tickets.

24 Q. Did you respond to this e-mail?

25 A. Yes, that is correct.

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1 Q. And what did you say to the defendant in your
2 response?

3 A. May I see the e-mail?

4 Q. Showing you what's in evidence as Government's
5 Exhibit 506.

6 A. I told him that he was a mature person, that I could
7 do the job, and I told him that my father wanted my
8 brother or my boyfriend to bring me to New York.

9 Q. And I'm sorry, did he say that you were a mature
10 person or the defendant was a mature person?

11 A. I said that I was.

12 Q. And why did your father want somebody to come with
13 you?

14 A. To make sure that I would be all right.

15 Q. Did you receive a response from the defendant?

16 A. Yes, that is correct.

17 Q. I'm showing you what's in evidence, Government's
18 Exhibit 506. Please publish to the jury. What is this?

19 A. It is an e-mail that Joseph send me.

20 Q. In response to the e-mail you just described?

21 A. That is correct.

22 Q. And could you please read the highlighted portion?

23 A. "As to the delegation your brother or your boyfriend
24 are about, it will not be convenient for us or them to
25 come with you on the 8th because it will be only three

Ms. Ramirez - Direct - Ms. Jager

1 days after we come back from England. With you it's a
2 different story, because as I told you before you will
3 never be a guest. From the minute you step at the
4 airport you are a member of the family. Maybe you think
5 you are a mature woman, but it seems that your father
6 doesn't, so if you insist on the delegation we will have
7 to postpone your arrival for a later date.

8 "This is the first time I hear about a boyfriend, and
9 I would really like to know the way you think. If you
10 have a boyfriend, and I understand that this is a serious
11 relationship because he is ready to make a trip just to
12 check your new home, why do you leave him? Why don't you
13 stay with the man you love? You are going to be apart
14 from him for at least a year, and if everything will go
15 my way you will be here for more than a year. What kind
16 of love is it? I'm really not built for listening every
17 night to a young girl crying how much she's missing her
18 boyfriend, and I think we should talk again on the phone.
19 I have the feeling that you probably because I did not
20 explain it to you enough, think about coming here
21 (indiscernible).

22 "In order to be successful you should come only if
23 you're ready for a change in your life to have a new home
24 not instead of your own one, but in addition to it, have
25 a new family not even of your own one but in relation to

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1 it, and most importantly become a career and professional
2 woman who will never think again on wasting her life on
3 being something like an au pair. If you're ready to talk
4 let me know when to call you. Joseph."

5 Q. What was your reaction to this e-mail, Ms. Ramirez?

6 A. I was worried that he would not give me the job.

7 Q. But did you contact him -- did you have a
8 conversation with him on the phone like he suggested?

9 A. That is correct.

10 Q. And what did you tell him on the phone?

11 A. I tried to persuade him that I was able to do the job
12 and that my boyfriend would not be a problem.

13 Q. And what did the defendant tell you after that about
14 traveling -- about the job? Did he say you could have
15 it?

16 A. Could you repeat the question?

17 Q. I'll rephrase the question. You said that you tried
18 to persuade him to give you the job. Were you successful
19 in that?

20 A. Yes.

21 Q. And what, if anything, did the defendant tell you
22 about coming through immigration or the need for a visa
23 on that phone conversation?

24 A. He said that what I should say was that I was coming
25 to visit some of my parent's friend, that he had met them

Ms. Ramirez - Direct - Ms. Jager

1 during a trip, and that because of the relationship
2 between them they had invited me.

3 Q. And did your parents in fact know the defendant?

4 A. No, not at all.

5 Q. Did you receive another e-mail from the defendant
6 after this conversation?

7 A. Yes.

8 Q. Did you receive it the same day?

9 A. I don't remember.

10 Q. Showing you the previous e-mail. What date is it
11 dated?

12 A. June 19, 2006.

13 Q. At what time?

14 A. 11:13.

15 Q. And is this the e-mail where he suggests you have a
16 conversation?

17 A. No, we were going to.

18 Q. Yes, and did you have the conversation after this
19 e-mail?

20 A. That is correct.

21 Q. Is the next e-mail you receive from him also from
22 June 19th?

23 A. That is correct at 2:27.

24 Q. And what did this e-mail -- could you please read the
25 -- it's not highlighted -- but the first line of the

Ms. Ramirez - Direct - Ms. Jager

1 e-mail? Starting here.

2 A. "Every time we talk I'm happier and I have the
3 feeling that it will work between us. Thank you for
4 that. Here's my address."

5 Q. Okay, that's enough. Thank you.

6 Showing you what's in evidence, Government's Exhibit
7 508. Publish to the jury, please. What is this?

8 A. It's an e-mail that I received from
9 PublishersPlus@aol.com.

10 Q. Is this e-mail signed by the defendant?

11 A. Can I see? Yes.

12 Q. Would you please read the highlighted portion?

13 A. "My dear Laura, isn't it a nicer opening than hi
14 Joseph? Whenever I read one of your letters and after
15 every phone conversation with you I feel like sending
16 flowers to Joanna thanking her for getting good choice of
17 deciding to bring you and me together. You will not have
18 any problems with immigrations, not at customs. You just
19 tell them that you were invited by us. If they will ask
20 give them our phone number and they can call us. And
21 remember, Elena and I are friends of your parents, closer
22 age wise and because of our friendship with them we're
23 inviting their daughter.

24 "If your brother is coming with you try to separate
25 from him in the line so they will not make the connection

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1 and will not think that half of the family is trying to
2 immigrate to the USA.

3 "During the daytime when we are in the house you will
4 work in the beginning of the matter that has to do with
5 the Spanish, you will help me understand, and yes, even
6 translate, and I know your limitation in English, from
7 your language to English and I will teach you what to
8 look for in internet. I hope you will enjoy it."

9 Q. Did the defendant say anything else in the e-mail
10 about bringing your brother with you?

11 A. May I look at it? Yes.

12 Q. And what did he say?

13 A. He said yes, he could come and stay at the house
14 overnight, and that the following day he would take him
15 to New York and put him up in a hotel.

16 Q. And did the defendant say anything about what you
17 were supposed to wear while you were working?

18 A. He said I should wear only skirts.

19 Q. Did you have other e-mail correspondence with the
20 defendant?

21 A. Yes.

22 Q. And did the defendant ask you to send photographs of
23 yourself?

24 A. That is correct.

25 Q. Did you send him photographs?

Ms. Ramirez - Direct - Ms. Jager

1 A. Yes.

2 Q. And did you ask him for anything in return?

3 A. I asked for pictures of himself and his family.

4 Q. And did he -- I'm showing you what's in evidence as
5 Government's Exhibit 510. Please publish to the jury.

6 What is this?

7 A. It's an e-mail from PublishersPlus@aol.com signed by
8 Joseph.

9 Q. And can you please read the highlighted portion?

10 A. "Thank you for the pictures, you are more beautiful
11 than I previously thought."

12 Q. Could you also read the paragraph that starts I hope?

13 A. "I hope that upon my return I will have more pictures
14 of you and your family. As to mine I promise to send you
15 when I return so you will be able to recognize me at the
16 airport."

17 Q. That's fine, you can stop there.

18 What was your reaction to this e-mail where he said
19 you're more beautiful than I first thought?

20 A. I didn't think of anything in particular.

21 Q. I'm showing you what's in evidence as Government's
22 Exhibit 512. Please publish to the jury. And is this
23 another e-mail from the defendant to you?

24 A. That is correct.

25 Q. Could you please read the highlighted portion?

Ms. Ramirez - Direct - Ms. Jager

1 A. "This was a real welcome present for me, the
2 pictures. I knew that you were an attractive woman, but
3 your portrait picture was of a real beautiful woman. I
4 admit that is important to me, not so much the beauty as
5 (indiscernible) and the aesthetics. I love being
6 surrounded by beautiful scenes, that's why I am an art
7 collector and by beautiful people.

8 "And the other pictures show me that you have a
9 beautiful legs. I love beautiful legs and beautiful
10 hands in a woman. But above all I was impressed with
11 your parents picture. I can tell where your beautiful
12 comes, your mother, and what your parents have such kind
13 face. I even love the fact that your father is big, that
14 is how we generally call fat people. As you know from my
15 picture I am not so small, slim myself.

16 Only three days and we are together. With all my
17 love, Joseph."

18 Q. By the time you received this e-mail had you received
19 a picture of the defendant?

20 A. It was not attached, they weren't there.

21 Q. Now in this e-mail he writes to you that you're
22 beautiful and that you have beautiful legs. What was
23 your reaction to that?

24 A. I was somewhat surprised with the thing about the
25 legs since he was an older man I didn't think about it.

Ms. Ramirez - Direct - Ms. Jager

1 Q. And what about the statement where he says only three
2 days and we are together. With all my love, Joseph?

3 A. I thought he meant that in three days we would see
4 him. And with the all my love was just a loving,
5 educated way of saying good-bye.

6 Q. Showing you what's in evidence as Government's
7 Exhibit 513. Please publish to the jury. What is this?

8 A. It's an e-mail from Joseph to me.

9 Q. Could you please read the highlighted portion?

10 A. "My dear Laura, please don't be nervous. Both of us
11 Elena and me realize how difficult it is for a young girl
12 to start a new life in a new home."

13 Q. Had you indicated to the defendant that you were
14 nervous?

15 A. Yes, I said that I was nervous.

16 Q. Why were you nervous, Ms. Ramirez?

17 A. Because I had not been able to see his picture. I
18 had not received it and because of the experience of
19 growing up.

20 Q. So could you please read the last sentence of this
21 e-mail that's highlighted?

22 A. "Just make the same effort to become quickly part of
23 my family as I will make the effort to make you part of
24 the family and everything will be okay."

25 Q. Now were there photographs attached to this e-mail?

Ms. Ramirez - Direct - Ms. Jager

1 A. Yes, that is correct.

2 Q. And were you able to read this e-mail and see these
3 attachments before you arrived in New York?

4 A. No, I was not able to see them because I was already
5 on the way for the trip.

6 Q. What is the date of this e-mail, Ms. Ramirez?

7 A. July 7.

8 Q. And had you already begun your journey from Mexico to
9 New York on July 7th?

10 A. Yes, I had left my city, driven out to go to Laredo,
11 Texas where I would board my plane on Saturday morning.

12 Q. So did you ever see this e-mail or the photographs
13 prior to getting to the United States?

14 A. No.

15 Q. Now you communicated with the defendant in English;
16 is that correct?

17 A. True.

18 Q. And how was your English at that point?

19 A. Like understand for the most part, and what I didn't
20 understand I just skipped.

21 Q. Were there parts that you did not understand?

22 A. Yes.

23 Q. And were you fluent in English?

24 A. No.

25 Q. When did you arrive in New York?

Ms. Ramirez - Direct - Ms. Jager

- 1 A. July 8th.
- 2 Q. Of what year?
- 3 A. 2006.
- 4 Q. And how old were you at that point?
- 5 A. Twenty-five years old.
- 6 Q. Now you mentioned that you drove to Laredo with your
- 7 mother and boyfriend; is that correct?
- 8 A. That is correct.
- 9 Q. And then at what point did you leave Laredo?
- 10 A. On Saturday morning.
- 11 Q. The 8th of July?
- 12 A. Yes, July 8th in the morning.
- 13 Q. And who paid for your ticket?
- 14 A. My mother and I.
- 15 Q. And was it a round trip ticket or one way?
- 16 A. Round trip.
- 17 Q. And when was the return for?
- 18 A. One month later.
- 19 Q. And why was it one month if you were planning on just
- 20 staying for a year?
- 21 A. Because I wanted to check it out to see if I liked
- 22 it, and I thought that one month would be sufficient.
- 23 Q. Did you go through an immigration checkpoint when you
- 24 came to the United States?
- 25 A. Yes, at the border.

Ms. Ramirez - Direct - Ms. Jager

- 1 Q. And did they ask you questions?
- 2 A. Yes.
- 3 Q. And do you remember the specific questions they asked
- 4 you?
- 5 A. Not specifically.
- 6 Q. What did you plan to tell the immigration authorities
- 7 about why you were coming to the United States?
- 8 A. I planned to lie and say that I was coming to visit
- 9 my friends -- to visit my parent's friends.
- 10 Q. And was that the truth?
- 11 A. No.
- 12 Q. And as you sit here today do you know whether lying
- 13 to immigration authorities is a crime?
- 14 A. Yes, I know.
- 15 Q. And have you been granted immunity for your testimony
- 16 here today?
- 17 A. That is correct.
- 18 Q. I'm showing you what has been marked at Government's
- 19 Exhibit 3500LR11. Do you recognize this document?
- 20 A. Yes.
- 21 Q. And what is it?
- 22 A. This is the letter that I was given stating that my
- 23 own statements will not be used against me.
- 24 Q. And what is your understanding of this immunity?
- 25 A. That my words will not affect me.

Ms. Ramirez - Direct - Ms. Jager

1 Q. Does that immunity give you protection if you lie on
2 the stand?

3 A. No, not at all.

4 Q. And who is your lawyer?

5 A. Paul Madden (ph).

6 Q. And did your lawyer explain this letter to you?

7 A. That is correct.

8 Q. And did you request a lawyer? Did you request from
9 the Government that you have a lawyer to review this
10 letter with?

11 A. That is correct.

12 Q. And did your lawyer explain this letter to you?

13 A. Yes.

14 Q. And was a Spanish interpreter present?

15 A. Yes.

16 Q. What airport did you arrive at in New York?

17 A. LaGuardia.

18 Q. And what happened when you got here?

19 A. Before I picked up my suitcases and before getting
20 down the stairs and even before I went to the bathroom I
21 made the call, and I found -- bumped into a tall, fat man
22 who asked me my name, and he asked are you Laura? I
23 said, yes, I was. And he said, I am Joseph. He hugged
24 me and he kissed me on the cheek.

25 Q. And what happened next?

Ms. Ramirez - Direct - Ms. Jager

1 A. We picked up my suitcases, went to the car, and we
2 started driving to his house.

3 Q. Had you ever -- where was his house?

4 A. Pound Ridge.

5 Q. Had you ever been to New York before?

6 A. Never.

7 Q. Now what, if anything, happened in the car ride?

8 A. He grabs me by the hand and asks me to get closer. I
9 released my hand and he again grabbed my hand and asked
10 me to get closer. So I moved closer a little bit and he
11 starts telling me about when we go on a trip, he says
12 that within the month we will be going to Israel and he
13 tells me that we will be staying in the same room on the
14 same bed, and that sometimes he will have to see me
15 naked, because we're going to be in the same room, which
16 would be very pleasant, and when I have to see him it
17 will not be as pleasant because he's fat. And so I tell
18 him I don't want to go, it doesn't seem right to me or
19 that I would prefer to stay in a different room. And he
20 said that only if you pay for the room. And that the
21 hotels he stayed at were very expensive, like \$5,000 a
22 night.

23 Q. And what, if anything, did he say to you about how
24 you would change while working for him?

25 A. He said that I would become a different person and he

Ms. Ramirez - Direct - Ms. Jager

1 called his Nietzsche, the philosopher, and he said that
2 pigs like to be in the mud because they don't know
3 anything else, but once they go to the water they never
4 want to go back to the mud, and that that was the same
5 thing that was going to happen to me with my family, with
6 my country, with my friends, with my boyfriend.

7 Q. What was your reaction to this conversation and how
8 he was treating you in the car?

9 A. I was afraid, and I thought to myself what am I doing
10 here? And it upset me when he said the thing about the
11 mud, but for the most part I was nervous about what he
12 was telling me, what would be happening during the trips.
13 I was trying to talk to myself and say that perhaps I was
14 misunderstanding.

15 Q. How long did it take to drive to the defendant's home
16 from the airport?

17 A. About 40 minutes.

18 Q. And how would you describe the area where the
19 defendant's house was?

20 A. Full of trees. It seemed to me that there was
21 nothing nearby, it was just woods.

22 Q. Did you see any public transportation nearby?

23 A. I did not see public transportation.

24 Q. Was anybody else at the house when you arrived there?

25 A. His wife, Elena was there.

Ms. Ramirez - Direct - Ms. Jager

1 Q. And what did you do when you got there?

2 A. I had supper by myself. She had bought me some
3 Indian food and I ate at the table with Elena.

4 Q. And did you have an opportunity to call home that
5 night?

6 A. I asked him for the phone and he said that I couldn't
7 take more than three minutes.

8 Q. And did you call somebody?

9 A. I called home where my mother was and my boyfriend.

10 Q. And what's your boyfriend's -- what was your
11 boyfriend's name?

12 A. Hector Rodriquez (ph).

13 Q. And he is -- what relationship do you have with
14 Hector now?

15 A. He's my husband.

16 Q. Now what did you tell them on the phone when you
17 called that night?

18 A. I told him that I was not liking it, that he had told
19 me that we would be traveling and that I should not get
20 scared when we stay at the same room because he did not
21 want to have a relation with me.

22 Q. You said the defendant told you in the car ride that
23 he didn't want to have relations with you?

24 A. Yes. He just said that he would have to see me naked
25 and that we would have to sleep on the same bed, but that

Ms. Ramirez - Direct - Ms. Jager

1 I shouldn't be scared because he didn't want to have
2 relations with me.

3 Q. And by relations what do you believe? What did you
4 understand it to mean?

5 A. Sexual relation.

6 Q. After you got off the phone with your family what, if
7 anything, did the defendant tell you about using the
8 phone while you were living in his house?

9 A. He told me that I would not be able to speak to my
10 boyfriend again, only my family could call me, and only
11 during an emergency.

12 Q. Did he explain why?

13 A. No.

14 Q. What happened that night?

15 A. He showed me some of the chores at the house that I
16 would have to take care of like prepare his juice for
17 him, how he liked his tea, how to keep his refrigerator
18 full of food, keep the glove compartment in the car full
19 of cigarettes, and things like that. He also told me
20 that I could not close any one of the doors, not even the
21 bathroom door because he had a dog that went crazy
22 whenever he closed the door, and so I couldn't close any
23 door.

24 Q. Not even the bathroom door?

25 A. Not even the bathroom door.

Ms. Ramirez - Direct - Ms. Jager

1 Q. How did that make your feel?

2 A. Uncomfortable, sad, unsafe.

3 Q. What, if anything, happened that night before you
4 went to bed?

5 A. He asked me that every night I should say good night
6 to him with a kiss on the cheek.

7 Q. And did you do that the first night?

8 A. Yes, I thought that it was a family thing, and I
9 wanted to belong to the family.

10 Q. And what happened the next day?

11 A. The following day was a Sunday and I got dressed and
12 put on trousers because it was my day off, and he invited
13 me to go to a polo game with his wife.

14 Q. And did you go?

15 A. Yes.

16 Q. And what happened while you were there?

17 A. We attended the polo game and Elena explained to me
18 the rules of the game and some girls approached to say
19 hello to the dog. And he asked them what age did they
20 think I was, and they said 19, and he said isn't it
21 grand.

22

23

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Ms. Ramirez - Direct - Ms. Jager

1 Q. Now what happened after the polo match?

2 A. We went back to the house. And I'm not certain
3 whether it was that day that we went to the supermarket
4 to buy some appetizers, and at the supermarket there were
5 some people who spoke Spanish, the people who worked
6 there, and I overheard them say, he has another one.

7 MS. CESARE: Object. Move to strike.

8 THE COURT: Sustained.

9 MS. CESARE: Move to strike.

10 THE COURT: Strike it.

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Ms. Ramirez - Direct - Ms. Jager

1 Q. What did you do after the supermarket?

2 A. We went to his house.

3 Q. And what happened when you got back to his house?

4 A. I believe we had dinner with friends of his that were
5 with us at the polo game.

6 Q. And did anything else happen while the friends were
7 still there?

8 A. We sat in the living room after the dinner and he
9 grabbed me by the hand, I released by hand and he picked
10 it up again, Elena was there, his friends were there, and
11 nobody seemed to be surprised, and I felt uncomfortable.

12 Q. What, if anything, else happened before you went to
13 bed that night?

14 A. I went to say good night with a kiss and when I
15 approached to kiss him on the cheek he kissed me on the
16 mouth.

17 Q. What did you do when he did this?

18 A. I tell him don't.

19 Q. And what did he say or do when you said don't?

20 A. He just smiled and I went to my room.

21 Q. And how did it make you feel when he kissed you on
22 the mouth?

23 A. Unsafe, uncomfortable, I was repulsed.

24 Q. What happened the first day of work?

25 A. I got up and I had breakfast with him. His wife had

Ms. Ramirez - Direct - Ms. Jager

1 prepared it and it was ready, and she had left for her
2 job. And we were at his house, he explained to me how he
3 wanted me to clean the desk. He gave me a rag and some
4 liquid and I was cleaning the desk and he went by and
5 spanked me one or two, a spank, and he said I was a bad
6 girl.

7 Q. How did that make your feel?

8 A. Again, unsafe, bad, sad. I asked him not to do that
9 and he would say, that it was normal, not to make such a
10 big deal.

11 Q. What was your work schedule, Ms. Ramirez?

12 A. From 8:00 to 6:00 Monday through Friday.

13 Q. And where did you work for the defendant?

14 A. Downstairs in the house across from his room he had a
15 little office there with a computer and a couple of
16 desks.

17 Q. Did he have rules about what you were allowed to wear
18 on workdays?

19 A. Only skirts.

20 Q. And did you ever see the defendant have any business
21 meetings at the house?

22 A. Never.

23 Q. Where was Elena on workdays?

24 A. Working.

25 Q. In the house or outside of the house?

Ms. Ramirez - Direct - Ms. Jager

1 A. I believe she worked at a bank.

2 Q. Now in addition to cleaning and some of the
3 assignments the defendant asked you to do around the
4 house what projects did he want you to work on in the
5 office?

6 A. One day he turned on the computer for me and said
7 that I could not use the e-mail because what he had in
8 there was very important and he asked me to do a job
9 looking up some sites for Spain in order to work on a
10 tourist guide.

11 And another day -- no, that same day he asked me to
12 look up au pair pages and ordered me to find all the au
13 pairs that I could find according to country in order to
14 work out in this for him with the name, the age, the
15 e-mail, the country, the telephone number. He said that
16 he wanted to work on a guide book for au pairs.

17 Q. And what did you do with that information?

18 A. I believe I worked on an Excel chart with everything
19 I find during the time that I was working.

20 Q. And about how many entries do you think you put into
21 it?

22 A. Perhaps 100, because I was only copying.

23 Q. Now what, if any, comments did the defendant make
24 about your appearance while you were working for him?

25 A. He said that he wanted to always see me with my hair

Ms. Ramirez - Direct - Ms. Jager

1 pulled back because he didn't like how I looked with the
2 loose hair.

3 And that another time as I was going up the stairs he
4 touched my buttock and he said, you are thin, but
5 everything you eat goes down to your ass.

6 Q. What did you do when the defendant touched your
7 behind?

8 A. I turned around and told him not to do that. And he
9 would just always laugh.

10 Q. And did there come a time when the defendant called
11 you into his bathroom?

12 A. Yes. One day he went into the bathtub and he called
13 me and asked him to bring him some tea. The door was
14 ajar, not totally open, and I went in and put the tea
15 down without turning, and he asked me to bring it closer,
16 to put it in his hand, and he said, you shouldn't be shy,
17 you will be doing this very often, you better get used to
18 it. And so he asked me to bring him his cigarettes,
19 while he laughed, and then he asked me to bring him his
20 phone, and I had to see him naked since he was in the
21 bathtub. He said I shouldn't be so moralistic, like
22 Latin women were all very moralistic. And that's it.

23 Q. Was anyone else home when he asked you to come into
24 his bathroom?

25 A. No, there was nobody else, we were alone.

Ms. Ramirez - Direct - Ms. Jager

1 Q. Was there ever a night when the defendant came into
2 your bedroom?

3 MS. CESARE: Objection, leading.

4 THE COURT: Overruled.

5 THE WITNESS: There was one time when I went to
6 lay down to go to sleep and shortly after, a few minutes
7 later he came inside my room, and I was not sleeping, but
8 I pretended to be sleeping because I was afraid, and I
9 didn't want to continue talking to him. All day he was
10 bothering me. And the only thing I wanted was for him to
11 let me sleep. And he stood there for about ten minutes
12 without saying anything, just watching.

13 Q. Now did the defendant ever call you into his bedroom?

14 A. One day he called me and asked me to bring him some
15 juice. I went inside, gave him his juice, he was in bed
16 without a shirt. I don't know whether he was naked or
17 not. He asked me to sit on the bed. I sat on the edge
18 and he got up and started talking to me, why do you want
19 to leave? And I told him I wanted to leave because I was
20 not comfortable. And he would say, that that way I would
21 never be a successful person, that I was a spoiled child,
22 which he told me all the time every day. He came close
23 to me, put his arms around me, I told him to let me go,
24 and I started crying. I told him that I didn't like it,
25 not to touch me. I didn't like it when he kissed me.

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1 I was crying, he came close and put his arms around
2 me and at that point he was kissing me on the neck and he
3 was rubbing my back, and kept saying that I should think
4 about my family. How would they feel if I went back a
5 failure? And he kept telling me all the time that I
6 should think of all the things I would have if I were to
7 remain with him. Whenever he did this to me, he said,
8 what he wanted to do was destroy me so that he could
9 rebuild me into a stronger person. In business there are
10 things you can choose, but there are things you can be
11 choose, and this is one of them. If I were to remain
12 there at the end of the year I would be ready to sign
13 contracts for millions of dollars, and I would shove him
14 back, and I always kept my hands up so that he would not
15 come close to me, but it seemed to me that it went on for
16 20 minutes until he said, fine, leave, you are too
17 spoiled and a lie.

18 Q. Now how did this make your feel?

19 A. Bad, very bad. I started really doubting, I was
20 thinking maybe I'm too spoiled. And the thing is I did
21 not miss my family that much, but what was happening was
22 that I really did not like for him to be touching me.

23 Q. And what, if anything, did you tell him in response
24 to this?

25 A. I kept telling him no, that I did want to develop,

Ms. Ramirez - Direct - Ms. Jager

1 that I did want to learn about business, but that I did
2 not want to do it in that way.

3 Q. Now did you ever tell the defendant that you wanted
4 to go back to Mexico?

5 A. Yes.

6 Q. And what did he say when you told him that?

7 A. Yes, he said he would drive me, but it was never --
8 right after he would say to me, but you will regret it,
9 you'll always be mediocre, you will never be able to do
10 anything in life on your own. You're always going to be
11 hiding behind your family, your boyfriend, your mother,
12 and that's it. After minutes of telling me these things
13 he would leave everything there.

14 Q. Now did the defendant permit you to e-mail friends
15 and family in Mexico?

16 A. No.

17 Q. And why did he say that you could not?

18 A. He first said that it was because his computer had
19 important things and if my e-mails brought any virus it
20 could get contaminated, I could ruin his things. And
21 also because he wanted to cut -- he wanted me to cut all
22 ties with my boyfriend and my family. He said that after
23 living with him I was not going to want to go back, that
24 I could stay with him for years.

25 Q. Did you communicate with anyone in Mexico via e-mail?

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1 A. Yes, that is correct.

2 Q. With who?

3 A. With my boyfriend.

4 Q. Hector?

5 A. With my boyfriend, Hector Rodriquez.

6 Q. And what did you tell Hector?

7 A. Could I see the e-mail?

8 MS. JAGER: May I approach, your Honor?

9 THE WITNESS: Basically I told him --

10 THE COURT: Yes.

11 THE WITNESS: -- that I was uncomfortable, that
12 I wanted to go back, to take me out of there, to help me
13 get out, that I didn't like to be there, that he was
14 always touching me.

15 Q. Would you still like to see the e-mails, Ms. Ramirez?

16 A. No, I'm fine.

17 Q. Now did you ever leave the defendant's house without
18 him?

19 A. Yes. One day I asked him permission to go for a walk
20 to exercise a little, an hour before my workday started.

21 Q. What day is that?

22 A. I believe it was Tuesday.

23 Q. The Tuesday after your arrived?

24 A. That is correct.

25 Q. And was this before or after the day that you just

Ms. Ramirez - Direct - Ms. Jager

1 described when you were in his bedroom?

2 A. After.

3 Q. Would you please describe for the jury what happened
4 after you left?

5 A. I wanted to look for the supermarket, I thought it
6 was nearby, but four blocks or so, but I didn't know.
7 And so I started walking, and after a while when I
8 realized I wasn't getting there I started running until I
9 arrived at a delicatessen, that's what I found.

10 Q. How long did you run for?

11 A. I don't know, maybe half on hour.

12 Q. What happened when you got to the deli?

13 A. I went inside but the phone was out of order. I came
14 out, there was a woman there, I asked her to borrow her
15 phone, but she said something like it had no credit or
16 something, but that she had a boyfriend who was Mexican
17 and they lived nearby, and she said the boyfriend could
18 lend me his phone. We arrived and the boyfriend did lend
19 me his phone but I wasn't able to call. So I had to ask
20 them to please give me a ride and take me back nearby.
21 And I arrived walking as though I had been running.

22 Q. What do you mean you arrived walking?

23 A. That I got out a little bit ahead of time so that he
24 wouldn't see that I had been given a ride.

25 Q. And who were you trying to call by going to the pay

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1 phone and asking the woman for her cell phone and the
2 boyfriend?

3 A. I was trying to call my boyfriend who was the only
4 one in my family who spoke English. Well, my brother
5 does too, but I wanted him to do something to get me out
6 of there.

7 Q. Now, did there -- were you able to reach him that
8 day?

9 A. No, not on the phone that they lent me.

10 Q. Did you -- did there come a time when you moved rooms
11 in the defendant's house?

12 A. He told me he was going to hire another young woman
13 because I was not cooperating the way he wanted, and so
14 one day he called the airline and he asked for a ticket
15 for a woman, he showed it to me on the computer, and she
16 was coming from Poland. And then he called her and told
17 her that he already had her ticket, and the date. And
18 told her to go bring her tourist visa and fly over.

19 And then he told me that when this girl arrived, she
20 was going to be his new assistant, and she would be
21 making the trips with him, and I would only clean the
22 house and then he said he would move me to a smaller room
23 because the other room was for the new girl. And this
24 room, the new room was across the hallway from his.

25 Q. Where was your original bedroom, upstairs or

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1 downstairs?

2 A. Upstairs.

3 Q. And your new room was downstairs?

4 A. Downstairs exactly across the hallway from his, and
5 we were going to share a bath.

6 Q. Now, you testified earlier that the defendant wanted
7 you to kiss him every night -- excuse me, kiss him
8 goodnight; is that correct?

9 A. That is correct.

10 Q. And what, if anything, ever happened to you when you
11 went to say goodnight to him Tuesday night?

12 A. When I approached to kiss him goodnight, he grabbed
13 me by the waist with one arm, and he kissed me on the
14 mouth, and with the other hand, he touched me. He
15 tightened his arm around me, and touched me on the
16 breast, as he was kissing. And I moved back and went to
17 my room. I did not unpack, because I decided that I was
18 leaving the next day.

19 Q. When this happened to you, when he touched your
20 breasts, can you describe how he touched your breasts?

21 A. He was grabbing me one, with one hand and with the
22 other, he had my arm and then all of a sudden, he brought
23 his hand down and tightened his hand on my breast. And I
24 didn't know what to do.

25 Q. Where did this happen?

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1 A. It happened right in front of the computer.

2 Q. And was anyone else around when this happened?

3 A. No. His wife was already in the bedroom.

4 Q. And what was your reaction to him grabbing your
5 breast and kissing you, after you had told him no the
6 time?

7 A. I was speechless, and I realized that everyday was
8 going to get worse. I had only been there for a very few
9 days, and he already touched me several times, kissed me
10 on the neck. And I said tried to get out.

11 Q. What did you do?

12 A. So I moved back, I told him don't, and he just
13 laughed. And I went to my room.

14 Q. What happened next, Ms. Ramirez?

15 A. Continued preparing my bags, they were practically
16 ready, because since I had taken them down, I had not
17 planned to unpack them. I went to sleep and very early
18 the next morning, I changed my clothes, I put trousers on
19 and sneakers, and I went out instead of coming out at my
20 beginning time, 8 o'clock in the morning, I came out
21 later. I came out later, and I told him I was leaving.

22 Q. What did he say?

23 A. He said why. And I said because he has been touching
24 me on the breast, which was not by chance, but he had
25 really grabbed me, and he said, you're crazy.

Ms. Ramirez - Direct - Ms. Jager

1 Q. What did you do?

2 A. I had my passport and my money with me, and I left.

3 I left my bags behind.

4 Q. But what did he say? Did he say anything else to you
5 when he said you were leaving?

6 A. Not at that point. I left. I started walking. I
7 was very nervous, and at a corner, I found a woman who
8 was in a car, and I asked her for a ride to the
9 supermarket, when she realized I did not speak English, I
10 told her more or less what had happened to me, and she
11 said --

12 MS. CESARE: Objection.

13 MR. SCHNEIDER: Objection.

14 THE COURT: Wait, wait, wait. Come up and tell
15 me what the answer to that question is.

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Ms. Ramirez - Direct - Ms. Jager

1 (Conference held at side-bar.)

2 MS. JAGER: The answer is that the woman told
3 her that she was a babysitter, and that she had children
4 back in the car, and that she would drive her to the
5 supermarket.

6 MS. CESARE: Okay. Withdraw the objection.

7 THE COURT: Okay.

8 (Conference concludes at sidebar.)

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Ms. Ramirez - Direct - Ms. Jager

1 THE COURT: Okay. You can answer the question.

2 THE WITNESS: She told me that she could not
3 drive me, because I -- she didn't know me, but since she
4 saw me crying and so worried, she asked permission of the
5 child she had with her, a five-year old, to drive me to
6 the supermarket. And at the supermarket, there was a
7 Peruvian working there, and he loaned me his telephone
8 card, and I was able to talk to my boyfriend. And he
9 said forget about the suitcases, and he said that if you
10 want to go back for them, ask somebody to come with you;
11 otherwise, if you don't call me within three hours, I'm
12 going to call the Embassy.

13 But the Peruvian did offer to drive me when he
14 quit his job. He drove me. He said that he could come
15 inside with me, and I failed to say that somebody might
16 be coming with me. I went inside, I told him I was
17 leaving.

18 Q. Who did you tell you were leaving?

19 A. Joseph Yannai. And he said what money, and I said,
20 what do you think, I have my own money and my credit
21 card. And he said transportation from here to New York
22 will cost you like \$200. And I said I didn't care, and I
23 walked out. He said, I liked you so much, that if you
24 want to come back, I will give you a chance.

25 So I grabbed my suitcases and left. And the Peruvian

Ms. Ramirez - Direct - Ms. Jager

1 drove me to a train station about a half an hour from
2 there it seemed to me, and the ticket only cost me \$20.
3 I arrived in New York in the afternoon, it was raining, I
4 had my suitcases, they're very large. I did have -- I
5 didn't have anywhere to go.

6 Q. Ms. Ramirez, have you ever been to New York City
7 before?

8 A. Never.

9 Q. And where did you arrive?

10 A. The train station.

11 Q. What did you do?

12 A. I walked for about an hour with my suitcases, and
13 because I couldn't find a hotel, they were all very
14 expensive, and some of them were full, and then all of a
15 sudden I saw a travel agency that was just about to
16 close. They were closing the door, and I approached, and
17 a man who was there opened up for me.

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Ms. Ramirez - Direct - Ms. Jager

1 A. And because he saw me crying, and he saw that I was
2 desperate --

3 MS. JAGER: Objection.

4 THE COURT: Sustained. She can testify that he
5 opened the door.

6 THE WITNESS: He opened up --

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Ms. Ramirez - Direct - Ms. Jager

1 Q. What was your demeanor when he opened the door?

2 MS. JAGER: Objection.

3 THE COURT: Overruled.

4 THE WITNESS: She was worried.

5 Q. No. I'm sorry, what was your demeanor?

6 A. I was crying, and I told him what had happened to me.

7 I told him that I had come up to work and that this man
8 had tried to abuse me.

9 THE COURT: Okay. That's not necessary to
10 repeat it. What happened after you told them?

11 THE WITNESS: He made a reservation for me,
12 even though he had already closed down. He asked -- he
13 called me a taxi, and told the taxi to drive me to the
14 hotel, and I arrived at the hotel, and I felt safe.

15 Q. How did -- what happened next?

16 MS. CESARE: Objection.

17 THE COURT: On what ground?

18 MS. CESARE: Its relevance.

19 THE COURT: On what happened next? Overruled.

20 MS. CESARE: She's no longer in his home.

21 THE COURT: Overruled.

22 THE WITNESS: I was able to call my family. I
23 told them I was all right. I asked them to help me
24 change my flight, and I was there in New York for two or
25 three days. I don't remember how long. And I went back

Ms. Ramirez - Direct - Ms. Jager

1 to my country.

2 Q. Why did you stay in New York for two or three days
3 instead of going back right away?

4 A. Because there was no vacancy, there was no place for
5 me to change my ticket. And the following day, I checked
6 with airplanes. And then when I changed it, it was two
7 or three days later. I don't remember how long.

8 Q. Now, did you go to the police to report what happened
9 after you got to New York?

10 MS. CESARE: Objection.

11 THE COURT: She can answer it yes or no.

12 THE WITNESS: No.

13 Q. No?

14 A. No.

15 Q. Why not?

16 A. Because I was afraid. Because I knew I had lied at
17 immigration. I thought he could accuse me of whatever
18 that I had robbed him, I had left my suitcases in his
19 house for many hours, he had works of art, I was afraid
20 he had -- could have put something in my suitcase, or
21 that he would claim something, and I was the one who was
22 illegally here. And he is American. So I was afraid of
23 the police.

24 Q. What happened? Did you fly back to Mexico?

25 A. Yes, I went back to Laredo, Texas.

Ms. Ramirez - Direct - Ms. Jager

1 Q. You went back to Laredo, Texas?

2 A. Yes. And when I got off the plane, there was an
3 officer there. He recognized me, and he said, how come
4 you came back so quickly. And I told him what had
5 happened to me. I gave this man's address to him, and
6 his telephone number, and everything, and he said that he
7 would file a report.

8 Q. Did you contact anyone else about what happened after
9 you got back home?

10 A. When I arrived at my home in my country, my home, I
11 looked up on the internet for pages of assistance to
12 women, because I was afraid the same thing would happen
13 to somebody else, including the girl who was supposed to
14 be was going to arrive.

15 MS. CESARE: Objection.

16 THE COURT: What was the word that you said
17 including?

18 THE INTERPRETER: Including the girl who was
19 just going to arrive.

20 THE COURT: I don't see what's objectionable
21 about that. Overruled.

22 THE WITNESS: Then I found two or three --

23 THE COURT: What's the next question?

24 Q. Is whether or not she contacted any of these
25 organizations in the United States.

Ms. Ramirez - Direct - Ms. Jager

1 A. Yes, I called two of them, and one of them spoke
2 Spanish, and I was able to explain clearly what had
3 happened to me. And they said they would send somebody
4 to check it out.

5 Q. Did they take your contact information down?

6 A. No, not that I recall.

7 Q. Now, how did you feel while you were at the
8 defendant's house?

9 A. I -- all the time I felt unsafe, because generally he
10 kept telling me things, and he touched me at different
11 times, but mostly it was what he said to me. All the
12 time, he kept telling me that I'm an ogre, that I would
13 never accomplish anything in my life if I didn't stay
14 with him. He was constantly brainwashing me.

15 Q. Did you ever talk to family members about what
16 happened to you while you were in the United States?

17 MS. CESARE: Objection.

18 THE COURT: Sustained. I think we've been
19 through this. I think we're going over stuff that she's
20 already responded to.

21 MS. JAGER: I don't think she's answered the
22 question, Your Honor, about whether or not she told any
23 family members or personal people who were close to her
24 about what had happened?

25 THE COURT: I thought she said she told her

Ms. Ramirez - Direct - Ms. Jager

1 boyfriend.

2 MS. JAGER: Yes, but once she returned, did she
3 tell -- I could rephrase the question, did she tell
4 anybody else besides her boyfriend about what had
5 happened.

6 THE COURT: You can answer it yes or no.

7 THE WITNESS: I did tell my boyfriend.

8 Q. Did you tell anyone else?

9 A. Only my best girlfriend.

10 Q. Why didn't you tell anyone else?

11 A. Because it embarrasses me very much.

12 Q. Did you ever have any further contact with the
13 defendant after you went back home?

14 A. Never.

15 Q. Did you -- did you do any internet search about him?

16 A. Yes, some time.

17 Q. And without telling what you saw, did you find
18 anything about him?

19 A. Yes.

20 Q. And what did you do as a result of that?

21 A. I called the police in New York, and I told them that
22 I had some things that might be useful for them.

23 Q. And what did you have?

24 A. E-mails and pictures.

25 Q. And why have you saved those e-mails?

Ms. Ramirez - Direct - Ms. Jager

1 A. To remind myself of how stupid I had been.

2 Q. And what did you do with those e-mails?

3 A. I kept them for years in my e-mail account.

4 Q. And then what did you do with them?

5 A. I sent them to the Government of the United States.

6 Q. And did you have any concerns about coming forward
7 with information that you had?

8 A. Yes, because I felt that might perhaps affect my
9 visa.

10 Q. Because you had lied about your purpose in coming
11 here before?

12 A. Yes, that is correct.

13 Q. But you came forward, nonetheless?

14 A. That is correct.

15 Q. Were you later contacted by law enforcement officials
16 regarding the defendant?

17 MS. CESARE: Objection.

18 THE COURT: Answer it yes or no.

19 THE WITNESS: Yes.

20 Q. Did you then come to the United States to be
21 interviewed?

22 A. Yes.

23 Q. Did you agree to come to the United States to testify
24 voluntarily?

25 A. That is correct.

Ms. Ramirez - Direct - Ms. Jager

- 1 Q. Were you required to come here to testify?
- 2 A. No.
- 3 Q. How long were you in the defendant's home?
- 4 A. Perhaps five days.
- 5 Q. Did you ever get paid for any of your work you did
- 6 for the defendant?
- 7 A. No.
- 8 Q. Did he ever help you get a green card or assist you
- 9 with a worker's permit?
- 10 A. No.
- 11 Q. Do you know someone named Anne Simonsen?
- 12 A. No.
- 13 Q. Do you know somebody named Vanessa Stenzel?
- 14 A. Vanessa Stenzel, no.
- 15 Q. Andrea Kramer?
- 16 A. No.
- 17 Q. Isabelle Krintz?
- 18 A. No.
- 19 Q. Bernadette Herczeg?
- 20 A. No.
- 21 Q. Gisele Lunkes?
- 22 A. No.
- 23 Q. Natalie Yagoub?
- 24 A. No.
- 25 Q. Do you know any of the other witnesses in this case,

Ms. Ramirez - Cross - Ms. Cesare

1 Ms. Ramirez?

2 A. No.

3 MS. JAGER: May I have just one moment, Your
4 Honor?

5 THE COURT: Uh-huh.

6 (Pause.)

7 MS. JAGER: Nothing further.

8 THE COURT: Okay. Eleven needs to use the
9 toilet. There's the toilet, ma'am.

10 (Court recessed.)

11 CROSS-EXAMINATION

12 BY MS. CESARE:

13 Q. Good afternoon, Ms. Ramirez.

14 A. Good afternoon.

15 Q. My name is Heidi Cesare. I'm going to ask you some
16 questions.

17 A. Fine.

18 Q. How old are you now?

19 A. Thirty.

20 Q. And you came -- you spent time in Mr. Yannai's home
21 in July of 2006, correct?

22 A. True.

23 Q. How old were you then?

24 A. Twenty-five.

25 Q. And were you close to turning 26?

Ms. Ramirez - Cross - Ms. Cesare

- 1 A. I had six months to go.
- 2 Q. All right. Before you came to Mr. Yannai's house,
- 3 you had finished your education, correct?
- 4 A. True.
- 5 Q. And you said you had gone to the University, correct?
- 6 A. True.
- 7 Q. Where did you go to the University?
- 8 A. The University -- the State University in Mexico
- 9 City.
- 10 Q. Did you ever study in London?
- 11 A. Yes, I was in London.
- 12 Q. How many years did you study in London?
- 13 A. Ten months.
- 14 Q. And was that during -- was that part of your
- 15 University experience?
- 16 A. No.
- 17 Q. Was that -- did you study in London after you
- 18 finished University in Mexico?
- 19 A. No. When I was 17 years old.
- 20 Q. Was it part of a high school program?
- 21 A. No.
- 22 Q. How was it that you ended up staying in London when
- 23 you were 17 years old?
- 24 A. My parents take me a trip learning.
- 25 Q. Oh, so your parents sent you to London to study

Ms. Ramirez - Cross - Ms. Cesare

1 English for ten months when you were 17 years old?

2 A. That is correct.

3 Q. And did you go to a private school in Mexico for high
4 school?

5 A. Yes.

6 Q. And how many years did you spend at the University in
7 Mexico?

8 A. Four-and-a-half, five.

9 Q. Did you study English in school?

10 A. Yes.

11 Q. Did you study English in high school?

12 A. Yes.

13 Q. And you learned English when you spent twelve months
14 in London, correct?

15 A. Very little.

16 Q. But when you were in London, did you speak English
17 exclusively?

18 A. No.

19 Q. Did you live with a British family?

20 A. I lived for a few months with a British family.

21 Q. And then where did you live, in a dormitory?

22 A. That is correct.

23 Q. And the other students in the dormitory, were English
24 speakers, correct?

25 A. No.

Ms. Ramirez - Cross - Ms. Cesare

- 1 Q. What languages did they speak?
- 2 A. Spanish, Chinese, ESL.
- 3 Q. Was it an English as a second language program?
- 4 A. What is the question?
- 5 Q. When you were in London studying, wasn't the school
- 6 designed to teach English as a second language?
- 7 A. Yes.
- 8 Q. Did you study English at the University in Mexico?
- 9 A. No.
- 10 Q. Now, you've traveled -- prior to going to Mr.
- 11 Yannai's house, you had traveled the United States on
- 12 numerous occasions; isn't that right?
- 13 A. That is correct.
- 14 Q. Didn't you say you've been to Chicago, right?
- 15 A. Yes.
- 16 Q. Dallas?
- 17 A. No, not in Dallas.
- 18 Q. What other cities did you go to in the United States?
- 19 A. McAllen, Milwaukee, and San Antonio, Texas.
- 20 Q. Did you travel by yourself when you went to those
- 21 cities?
- 22 A. No, I go with my family.
- 23 Q. Now, do you have any relatives that -- at the time in
- 24 2006 when you came to Mr. Yannai's home, did you have any
- 25 relatives that lived in the United States?

Ms. Ramirez - Cross - Ms. Cesare

1 A. No.

2 Q. Did you have a cousin in Boston?

3 A. He was not a cousin.

4 Q. What was that person's relationship to you?

5 A. He was an acquaintance.

6 Q. A friend?

7 A. No. I had only seen him a couple of times in my
8 entire life.

9 Q. Did you have any friends who are in the United
10 States, when you came to Mr. Yannai's house?

11 A. No.

12 Q. Now, in some time around June 3rd, 2006, you received
13 an e-mail from a person named Joanna, correct?

14 A. Yes.

15 Q. And that first e-mail was about working as a personal
16 assistant for Joseph Yannai, correct?

17 A. Yes.

18 Q. And when you e-mailed this person, Joanna, you always
19 e-mailed her in English, correct?

20 A. True.

21 Q. And all other e-mails you received were written in
22 English, correct?

23 A. Correct.

24 Q. What -- did you do any research into this job offer
25 that you got through the e-mail? What did you do to

Ms. Ramirez - Cross - Ms. Cesare

1 check out who Joseph Yannai was?

2 A. What do you mean did I do --

3 Q. Well, for instance, when you corresponded with Joseph
4 Yannai, he gave you his address, right?

5 A. Yes.

6 Q. He gave you the number, and a street, and a town he
7 lived in, right?

8 A. True.

9 Q. Did you look it up on a map to see where it was?

10 A. Yes.

11 Q. And did you -- when you looked it up on a map, did
12 you find out how close it was to the trains or the -- for
13 airports?

14 A. No.

15 Q. Did you look for any pictures of Pound Ridge?

16 A. No.

17 Q. Did you do any research to find out who else lived in
18 that town?

19 A. No.

20 Q. Now, when you corresponded with Joseph Yannai, one of
21 the things that he suggested was that maybe you should
22 come visit and have an in-person interview before you
23 accept the job; isn't that right?

24 A. Yes.

25 Q. And you decided not to do that?

Ms. Ramirez - Cross - Ms. Cesare

- 1 A. I did decide to do it.
- 2 Q. Did you visit his home before you went to work for
- 3 him?
- 4 A. When I came, I went to check out the job.
- 5 Q. Oh, I see. When you -- the -- well, you arrived at
- 6 Joseph Yannai's house on Friday, July 8th, 2006, correct?
- 7 A. No, that is not correct.
- 8 Q. What date did you arrive?
- 9 A. It was Saturday, June 8.
- 10 Q. Saturday, July 8th?
- 11 A. July. July.
- 12 Q. Is that right, Saturday, July 8th?
- 13 A. Yes, that is correct.
- 14 Q. Okay. When you arrived there, wasn't the agreement
- 15 that that was the day you were arriving to begin the job?
- 16 A. No.
- 17 Q. No? You were just arriving for an interview?
- 18 A. No. I came to meet him.
- 19 Q. I see. Now, in just -- in the second e-mail
- 20 correspondence you received from this person named
- 21 Joanna, you were advised of the terms of the job, right?
- 22 A. Yes.
- 23 Q. She told you that there was a live-in option and
- 24 live-out option, right?
- 25 A. True.

Ms. Ramirez - Cross - Ms. Cesare

1 Q. And the live-in option offered you the chance to live
2 in the Yannai home with room and board, all expenses
3 paid; is that right?

4 A. Yes.

5 Q. And that if you had completed a full year of
6 employment, a bonus came in of \$20,000?

7 A. True.

8 Q. And you understood that the offer of the bonus was
9 contingent on finishing a whole year of work in the home,
10 right?

11 A. Yes.

12 Q. You understood that if you left before the year was
13 over, you should not expect any payment at all?

14 A. Yes.

15 Q. And that was right up front in the second e-mail you
16 got?

17 A. Yes.

18 Q. Now, you -- as you said, you started corresponding
19 with a person named Joanna in the e-mails, right?

20 A. Yes.

21 Q. And then after a few e-mails with her, you started
22 corresponding directly with Joseph Yannai.

23 A. Correct.

24 Q. And in that e-mail correspondence you had with Joseph
25 Yannai, it would be fair to say he used loving language

Ms. Ramirez - Cross - Ms. Cesare

1 with you?

2 A. Correct.

3 Q. He called you -- he referred to you as my dear Laura.

4 A. True.

5 Q. And he signed off as he wrote, used the expression,
6 with all my love?

7 A. True.

8 Q. He also told you that one of your jobs would be to
9 prepare his bath everyday.

10 A. True.

11 Q. And he told you he expected you to only wear dresses
12 and skirts in the house?

13 A. True.

14 Q. And you knew that this was a job in his home.

15 A. True.

16 Q. And you knew his wife wasn't around during the day
17 because she went off to her job.

18 A. I don't remember that.

19 Q. Now, from your position as a graduate of the
20 University, did it seem reasonable for you to wear skirts
21 and dresses only at a job in a man's home?

22 A. Yes.

23 Q. You thought that was reasonable?

24 A. Yes.

25 Q. Didn't you think to yourself, why do I have to wear

Ms. Ramirez - Cross - Ms. Cesare

1 skirts when I'm just working in the house?

2 A. Yes, it seemed to me at one.

3 Q. Now in this modern day and age, it's pretty common
4 for adult women to wear slacks when they work, right?

5 A. Yes.

6 Q. That's true in Mexico, right?

7 A. But this was a job.

8 Q. And here in the United States, you've been to the
9 United States, you know there's nothing unusual about
10 adult women wearing slacks while they're working.

11 A. But he is Jewish, and I looked up and I saw that it
12 was a custom, a Jewish custom to wear skirts, and I
13 thought that this was his family's custom.

14 Q. When Mr. Yannai told you he wanted you to wear skirts
15 and dresses when you work with him in his home and
16 office, you knew that was a -- that was a clue that he
17 was going to hit on you when you worked there, wasn't it?

18 A. No, it's not true.

19 Q. Now, on direct you went through a series of e-mails
20 that you sent and received before you took the job at Mr.
21 Yannai's house, correct?

22 A. What do you mean?

23 Q. I'm talking about Government Exhibits 501 through
24 513. Do you remember looking at those exhibits?

25 A. Yes.

Ms. Ramirez - Cross - Ms. Cesare

1 Q. And those were copies of e-mails you had saved on
2 your computer.

3 A. Yes.

4 Q. Did you delete any e-mails?

5 A. Don't remember, I don't believe so.

6 Q. Do you believe that was the complete correspondence
7 concerning the job at Mr. Yannai's house?

8 A. Yes.

9 Q. All right. I'm going to show you what has been
10 marked as Defense Exhibit LR-3.

11 MS. CESARE: I'd like to move it into evidence
12 at this time.

13 THE COURT: Any objection?

14 MS. JAGER: No objection. It's already in
15 evidence.

16 MS. CESARE: Can we publish it to the jury?

17 Q. All right. This Defense Exhibit LR-3 is -- yeah, let
18 me see if I can focus this a little.

19 MR. UNIDENTIFIED: It's fine on this one.

20 MS. CESARE: Oh, it's just -- okay.

21 Q. All right. This exhibit is -- at the top, it's a
22 message from Joseph Yannai to you, correct?

23 A. Uh-huh.

24 Q. And it's dated June 26th, 2006, right?

25 A. Yes.

Ms. Ramirez - Cross - Ms. Cesare

1 Q. Okay. I'm going to circle a sentence in this e-mail
2 communication. Can you read what I just circled?

3 A. "Thank you for the pictures. You are more beautiful
4 than I first thought."

5 Q. Mr. Yannai was complimenting your beauty, right?

6 A. Yes.

7 Q. You knew at that time, as a 25-year old woman, a
8 University graduate in business administration, that this
9 was a comment that had nothing to do with your qualities
10 as an employee?

11 A. Yes.

12 Q. When you read that, you knew he was hitting on you?

13 A. I did not know that he was hitting on me.

14 Q. Well, you -- this sentence tells you that he was
15 interested in your physical appearance, right?

16 A. I just thought it was a way of showing he was
17 educated.

18 Q. A way of showing he was educated?

19 A. Yes.

20 Q. What exactly about you are more beautiful than I
21 first thought indicates education?

22 THE INTERPRETER: I'm sorry.

23 Q. What exactly about the phrase, "you are more
24 beautiful than I first thought" indicates education?

25 A. Yes, I thought it was a compliment. But not a hit

Ms. Ramirez - Cross - Ms. Cesare

1 on.

2 Q. Why did you think he was interested in your physical
3 appearance?

4 A. I didn't believe he was interested in my physical
5 appearance.

6 Q. At the end of this same short message, there's a
7 single sentence, can you read that last sentence?

8 A. "Remind you of coming back from England, will be
9 there five -- four days later. I will see you."

10 Q. When Mr. Yannai was talking about the joy he would
11 have seeing you, you understood he was talking about
12 seeing you, the beautiful woman.

13 A. I did not understand that part. All I understood was
14 that he was coming back from England.

15 Q. And did you understand the word "joy"?

16 A. Joy? I believe that means enjoy. I did not look at
17 it -- take it into account, but I didn't understand, I
18 just skipped it.

19 Q. You skipped it?

20 A. Yes.

21 Q. When he spoke of the joy of coming back to see you,
22 you understood then when you wrote that letter that this
23 man is going to be interested in you, you were an
24 attractive young woman.

25 A. No, I will repeat, I did not understand that he was

Ms. Ramirez - Cross - Ms. Cesare

1 interested in me, and my physical appearance.

2 Q. Why was he talking about how beautiful you are then?

3 A. I thought it was a compliment.

4 Q. Have you had other jobs? Have you ever had a job
5 anywhere else?

6 A. I always have employment, which I mentioned already.

7 Q. All right. When you got your other jobs, it wasn't
8 because you weren't beautiful, was it?

9 A. Appearance does have something to do with it.

10 Q. And that was the case with your job with Mr. Yannai,
11 your appearance had something to do with the job?

12 A. I realized it later on, and he -- that he was not
13 solely interested in the physical appearance, that he was
14 more interested in the character.

15 Q. All right. Let me show you what's been marked as
16 Defense Exhibit LR-4.

17 MS. CESARE: And I'm going to move it into
18 evidence at this time.

19 MS. JAGER: Sorry, no objection, it's already
20 in evidence.

21 THE COURT: Is it already in evidence?

22 MS. CESARE: It's a portion of -- it's a
23 duplicate of one of the Government's exhibits.

24 THE COURT: What --

25 MS. CESARE: It's not marked.

Ms. Ramirez - Cross - Ms. Cesare

1 THE COURT: What Government exhibit is it?

2 MS. CESARE: It's Government Exhibit 12, 512.

3 THE COURT: All right. So that's admitted as a
4 duplicate of Government's Exhibit what?

5 MS. CESARE: 512.

6 THE COURT: 512.

7 (Defendant's Exhibit LR-4 was received in evidence.)

8 Q. This is another e-mail that Joseph Yannai sent to you
9 and it's dated Wednesday, July 5th, 2006; is that right?

10 A. That is correct.

11 Q. And in this letter, Joseph writes to you, "This was a
12 real welcome present for me, the pictures." Right?
13 That's how he starts off the message?

14 A. Yes.

15 Q. And this e-mail was a response -- he was writing to
16 you in response to some photographs that you e-mailed to
17 him.

18 A. That is correct.

19 Q. And the next thing he writes is, "I knew that you
20 were an attractive woman, but your portrait picture was
21 of a real beautiful woman."

22 A. Yes.

23 Q. When you read this e-mail message from Joseph Yannai,
24 you knew that he thought of you primarily as a beautiful
25 attractive woman?

Ms. Ramirez - Cross - Ms. Cesare

1 A. Yes.

2 Q. And you knew that your beauty was very important to
3 him.

4 A. I didn't know that my beauty was so important to him.

5 Q. When you read this e-mail you understood that the
6 reason -- the fact that you were so attractive was one of
7 the main reasons he was offering you a job?

8 A. No, of course not. Just because I'm beautiful, no.

9 Q. Then he wrote, "And the other picture showed me that
10 you have beautiful legs."

11 A. Yes.

12 Q. When you read that, you understood -- you knew that
13 Joseph Yannai was interested in having a relationship
14 with you, you knew that when you read this e-mail, didn't
15 you?

16 A. No.

17 Q. You knew that you were going to be working in his
18 home just -- in his home without his wife around during
19 the day, right?

20 A. I didn't know that his wife was not there.

21 Q. You knew he wanted you to wear only skirts and
22 dresses when you worked for him?

23 A. Yes.

24 Q. And you knew that he loved women with beautiful legs?

25 A. Yes.

Ms. Ramirez - Cross - Ms. Cesare

1 Q. What does having beautiful legs have anything to do
2 with research for books?

3 A. And actually, he didn't know of her making books,
4 told me prepare coffee and be a personal assistant, not
5 make books, that had nothing to do with my course of
6 study.

7 Q. Oh, but you had e-mail discussion with him about the
8 possibility of assisting him with writing his books,
9 right?

10 A. That is correct.

11 Q. You don't need beautiful legs to make coffee or clean
12 up the office?

13 A. No, I don't need that.

14 Q. And then he finishes this e-mail with the phrase,
15 "Only three days and we are together."

16 A. Yes.

17 Q. Is that an expression of a man who's interested in a
18 woman?

19 A. When I read that, what I thought was that it's still
20 three days before we see each other, but not to be like
21 together.

22 Q. Now, before you got this e-mail, you had talked to
23 Joseph Yannai on the telephone, right?

24 A. Yes.

25 Q. You'd had many other e-mail communication with him,

Ms. Ramirez - Cross - Ms. Cesare

1 right?

2 A. That is correct.

3 Q. He told you he lived in a big, beautiful house.

4 A. Yes.

5 Q. He told you he wrote books.

6 A. He published books.

7 Q. He made lots of money selling books.

8 A. That is correct.

9 Q. He told you there was a pond behind his house?

10 A. That is correct.

11 Q. It's a beautiful place to live.

12 A. Yes.

13 Q. You had the impression at this time that Mr. Yannai
14 was a man of apparent affluence, right?

15 A. Yes.

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Ms. Ramirez - Cross - Ms. Cesare

1 Q. And you thought it was -- you didn't think it was
2 anything unusual about him talking to you about how
3 pretty your legs were?

4 MS. JAGER: Objection.

5 THE COURT: It's sustained. This is going over
6 the same ground, and a lot of these questions are also
7 argumentative.

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Ms. Ramirez - Cross - Ms. Cesare

1 Q. The last e-mail you got Mr. Yannai had pictures
2 attached to it, correct?

3 A. True.

4 Q. Now, you didn't see these -- you didn't receive this
5 e-mail until after you got to his house, right?

6 A. Yes.

7 Q. When was the first time you looked at his last e-mail
8 to you?

9 A. A few days before I met him. Oh, you mean the last
10 e-mail, this last e-mail?

11 Q. I'm talking to you about the e-mail which has been
12 identified as Government Exhibit 513, the e-mail that had
13 pictures attached to it.

14 A. After I had arrived in New York.

15 Q. And did you check your e-mail from New York?

16 A. Yes, I checked my e-mail one day.

17 Q. When you were in Joseph Yannai's house?

18 A. Yes, I did.

19 Q. You arrived at his house on a Saturday, and you left
20 his house on a Wednesday, right?

21 A. I believe so.

22 Q. Okay. And when was the first time you were able to
23 check your e-mail from Joseph Yannai's home?

24 A. I believe it was on Tuesday.

25 Q. On Tuesday. And that's when you saw the pictures he

Ms. Ramirez - Cross - Ms. Cesare

1 had attached to his e-mail, right?

2 A. I don't remember whether I saw them or not. I had
3 the chance to open the mail, but I -- the old ones I had.

4 Q. I'm going to show you what's been marked as Defense
5 Exhibit P-1.

6 This is a photograph of Mr. Yannai kissing a young
7 woman, right?

8 A. Yes.

9 Q. The Defendant's Exhibit P-1 is a copy of one of the
10 pictures Joseph Yannai sent you, right?

11 A. Yes.

12 Q. And from looking at that picture -- let me rephrase
13 the question.

14 When he sent you this picture, he told you this is a
15 picture of him and a young woman who used to be his
16 personal assistant, right?

17 A. Yes.

18 Q. And when you saw this picture, you understood that he
19 had had an intimate relationship with his prior personal
20 assistant?

21 A. Yes.

22 Q. And when you looked at it, you understood that he
23 wanted the same relationship with you?

24 A. No.

25 Q. You didn't think so?

Ms. Ramirez - Cross - Ms. Cesare

1 A. I was in Mexico when I saw the pictures, so I was
2 never able to see them while I was in New York or before
3 I arrived.

4 Q. Wherever you were in this world when you saw this
5 picture, would it be fair to say that you understood that
6 Joseph Yannai was looking for the same relationship with
7 you?

8 A. I don't know what he might have been looking for or
9 what he thought.

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Ms. Ramirez - Cross - Ms. Cesare

1 Q. Looking at this picture, what does this picture tell
2 you?

3 MS. JAGER: Objection.

4 THE COURT: Sustained.

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Ms. Ramirez - Cross - Ms. Cesare

1 Q. He sent you this picture the day before you got to
2 New York, right?

3 A. Yes.

4 Q. Now -- so you landed at JFK on Saturday, July 7th
5 late in the evening, right?

6 A. No, LaGuardia.

7 Q. Oh, LaGuardia. And Mr. Yannai picked you up at the
8 airport?

9 A. Yes.

10 Q. And when you were in the car with him, he tried to
11 hold hands with you.

12 A. Yes.

13 Q. And he was --

14 A. He did grab me.

15 Q. You were sitting next to him in the car and he
16 reached over to hold your hand.

17 A. Yes, he pulled my hand.

18 Q. And did you take your hand back and say, I don't want
19 to hold hands?

20 A. I just released my hand and pulled my hand back.

21 Q. You put it back in your lap?

22 A. I don't remember.

23 Q. Did you tell him -- did you say Joseph, I don't want
24 to hold hands with you?

25 A. No.

Ms. Ramirez - Cross - Ms. Cesare

1 Q. And then he tried to hold hands with you again,
2 right?

3 A. That is correct.

4 Q. Did you hold hands the whole way up to Pound Ridge?

5 A. I don't believe so.

6 Q. In that car ride, he told you that you would be
7 traveling together?

8 A. Yes.

9 Q. And that you would have to share a hotel room?

10 A. Yes.

11 Q. Expected to share a room with you?

12 A. Yes.

13 Q. And sleep in the same bed?

14 A. That is correct.

15 Q. See one another naked?

16 A. Yes, sometimes.

17 Q. And when you got to Pound Ridge after this car ride,
18 you called your mother?

19 A. That is correct.

20 Q. And you spoke to your mother and your boyfriend on
21 the telephone?

22 A. Yes.

23 Q. You didn't tell your mother about that hotel
24 business, did you?

25 A. No, of course not.

Ms. Ramirez - Cross - Ms. Cesare

1 Q. And you didn't tell your boyfriend about that hotel
2 business either, did you?

3 A. I don't remember whether I told him about the hotel.

4 Q. Now, you said of course you wouldn't tell your mother
5 about it.

6 A. That is correct.

7 Q. Why didn't you say to her, Mom, this guy's crazy and
8 I'm going to come back as soon as I can?

9 A. There was nothing she could do for me, she was just
10 going to be worried.

11 Q. The next day you went to a polo match, right?

12 A. True.

13 Q. And had you ever been to a polo match before?

14 A. No.

15 Q. And you enjoyed it, right?

16 A. Yes.

17 Q. It was a beautiful place to go?

18 A. Yes.

19 Q. The horses were beautiful?

20 A. Yes.

21 Q. Lots of people were watching the game?

22 A. Yes.

23 Q. You were there with a couple who were friends with
24 Yannai's?

25 A. That is correct.

Ms. Ramirez - Cross - Ms. Cesare

1 Q. And, you know, when they took a break during the polo
2 match, you'd go out into the field and walk along the
3 grass of the polo field?

4 A. Yes.

5 Q. It was a very nice day, right?

6 A. Not the day, just the game.

7 Q. And you enjoyed it, right?

8 A. Yes.

9 Q. And that night, friend of Yannai's had dinner at the
10 Yannai home?

11 A. I don't remember whether it was, in fact, that night.

12 Q. So one of the nights you were there, the Yannai's had
13 house guests, right?

14 A. That is correct.

15 Q. And so the second time you called home was on Monday,
16 July 10th, right?

17 A. I don't remember.

18 Q. But without giving me your home phone number, does
19 your telephone number end in digits 227?

20 A. I don't remember my telephone number. I haven't
21 lived there for many years now.

22 Q. Did it begin with digits 528?

23 A. Yes.

24 Q. Is it -- now I'm going to show you something to see
25 if it refreshes your recollection.

Ms. Ramirez - Cross - Ms. Cesare

- 1 A. Yes, this is my telephone number. Yes.
- 2 Q. So you called your home number on Monday, July 10th,
- 3 right?
- 4 A. Yes, I called my mother.
- 5 Q. And you told her everything was okay.
- 6 A. No.
- 7 Q. What did you tell her?
- 8 A. That the old man was heavy, he was like annoying or
- 9 that he was getting too far with --
- 10 Q. Right. Now, on that Monday after you talked to your
- 11 mom, you went to the office, you went to the home office
- 12 with Joseph Yannai, right?
- 13 A. Which office?
- 14 Q. The work station, the downstairs at the Yannai home?
- 15 A. Yes. I don't remember what day. I remember the
- 16 office, but I don't remember whether I went there.
- 17 Q. But you recall that Ms. Yannai's wife went to work on
- 18 a Monday, right?
- 19 A. Yes.
- 20 Q. All right. And that was the day that Joseph Yannai
- 21 showed you around the office?
- 22 A. Yes.
- 23 Q. Because you arrived Saturday night and Sunday you
- 24 went to the polo match, on Monday, Mr. Yannai's wife went
- 25 to work; is that right?

Ms. Ramirez - Cross - Ms. Cesare

1 A. Yes.

2 Q. And on Monday, Mr. Yannai showed you around the
3 office?

4 A. I don't remember whether he showed it to me on Monday
5 or actually on Sunday afternoon, anyway, it was there in
6 plain sight.

7 Q. Right. But the day his wife went to work is the day
8 you started doing some research for him?

9 A. I believe.

10 Q. Okay. And he had you using the internet to look up
11 things about -- look up information on the internet,
12 right?

13 A. Yes.

14 Q. And Mr. Yannai was working at his own work station at
15 a separate computer, right? I'm going to show you --

16 A. I don't remember that.

17 Q. I'm going to show you what's been marked as
18 Defendant's P-6, P-7 and P-8. Do you recognize who's in
19 that photograph?

20 A. That's the terrace, the outside is the terrace. And
21 this is one of the desks.

22 (Defendant's Exhibit P-6 through 8 marked for
23 identification.)

24 Q. Okay. And I'm going to show you what's been marked
25 as Defendant's P-8. Do you recognize that photograph?

Ms. Ramirez - Cross - Ms. Cesare

1 A. I remember the place, but I don't remember all those
2 computers.

3 Q. All right. How many computers were there when you
4 were there?

5 A. I don't remember.

6 Q. But is this a photograph of the inside of the Yannai
7 home?

8 A. Yes.

9 Q. Now, I'm going to show you what's been marked as
10 Defendant's Exhibit P-7. Do you recognize that?

11 A. Yeah, it's like a cubicle he had.

12 Q. Okay.

13 MS. CESARE: I move Defendant's P-6, P-7 and P-
14 8 into evidence.

15 THE COURT: Is there any objection? Are they
16 already in evidence?

17 MS. JAGER: They're not in evidence, Your
18 Honor, they're government would just note that the
19 witness said the space appeared different in the
20 photographs than it did when she was there, but she
21 recognizes it to be the defendant's home.

22 THE COURT: Is there an objection?

23 MS. JAGER: No.

24 THE COURT: They may --

25 MS. CESARE: May I publish?

Ms. Ramirez - Cross - Ms. Cesare

1 THE COURT: Yes. It's admitted.

2 MS. CESARE: All right. Thank you.

3 (Defendant's P-6 through 8 received in evidence.)

4 Q. All right. So looking at Defendant's Exhibit P-8,
5 this is not exactly the way the home office looked when
6 you were there because there weren't as many desks as
7 when you were there, correct?

8 A. No, I don't remember where the -- what the office
9 looked like. I cannot tell you whether it looked like
10 that, or it didn't look like.

11 Q. But is this space you worked in when you worked
12 there?

13 A. I remember the computer that was here.

14 Q. And -- can you touch your screen?

15 A. Here?

16 Q. Is this the station you worked at?

17 A. No, I think I used this one, but I'm not sure. There
18 was a computer.

19 Q. You're not sure there was a computer?

20 A. Not sure period. There was a computer.

21 Q. Okay. And you used the computer?

22 A. Yes, he asked me to do a few things.

23 Q. And I'll show you Defendant's P-7. That's another
24 shot of the work space.

25 A. He said that that was the work space but we never

Ms. Ramirez - Cross - Ms. Cesare

1 actually used it.

2 Q. But is -- when you did the research on the guide he's
3 making, did you work in that space?

4 A. No, it was outside in the other one.

5 Q. Are you talking about what's circled in Defendant's
6 P-8?

7 A. Yes.

8 Q. That's where you were?

9 A. Yes.

10 Q. So I'm going to show you Defendant's P-6, and this is
11 another -- this P-6 shows the station you used when you
12 did research, right?

13 A. Yes.

14 Q. Yes, okay. Now, all the windows in the work station
15 looked out onto a pond, right?

16 A. Yes.

17 Q. I'm going to show you what's been marked as
18 Defendant's Exhibit P-4. It's not been admitted yet. Do
19 you recognize Exhibits -- Defendant's Exhibit P-4?

20 A. No.

21 (Defendant's Exhibit P-4 marked for identification.)

22 Q. I'd like to show you Defendant's P-5.

23 A. That I do.

24 (Defendant's Exhibit P-5 marked for identification.)

25 MS. CESARE: I move Exhibit P-5 into evidence.

Ms. Ramirez - Cross - Ms. Cesare

1 MS. JAGER: No objection.

2 THE COURT: Admitted.

3 (Defendant's Exhibit P-5 received into evidence.)

4 Q. Now, this is the pond behind the Yannai's house,
5 right?

6 A. Yes.

7 Q. This was the view from the work station in the home
8 office?

9 A. Yes.

10 Q. You were there in the summertime, and it was greener
11 while you were there, right?

12 A. Perhaps.

13 MS. CESARE: May we publish this?

14 Q. So in the summertime, it was a much greener view,
15 right?

16 THE COURT: What difference does it make
17 whether it was much greener in the summertime?

18 Q. I'm going to show you what's been marked as
19 Defendant's Exhibit P-9 for identification purposes. Do
20 you recognize this?

21 A. No.

22 (Defendant's Exhibit P-9 marked for identification.)

23 Q. Now, you described an incident when you were in
24 Mr. Yannai's house, when he asked you to come into his
25 bedroom while he was napping, right?

Ms. Ramirez - Cross - Ms. Cesare

- 1 A. Yes.
- 2 Q. Okay. And that would've been Monday or Tuesday?
- 3 A. Yes.
- 4 Q. Because his wife wasn't there at the time?
- 5 A. Yes.
- 6 Q. He asked you -- he called you and asked you to come
- 7 into his room.
- 8 A. Yes.
- 9 Q. And you went in there.
- 10 A. Yes.
- 11 Q. You observed he was undressed from the waist up.
- 12 A. Yes, that is correct.
- 13 Q. Now, this is after he had tried to kiss you, right?
- 14 A. He did not try, he did kiss me.
- 15 Q. I'm talking about you described the time where you
- 16 kissed him goodnight, and he kissed you on the lips.
- 17 A. I believe that that had happened already once.
- 18 Q. So this day when he asked you to come into his
- 19 bedroom, was after that incident when he tried to kiss
- 20 you on the lips?
- 21 A. I am not certain.
- 22 Q. Okay. So you went into his room, and you sat down on
- 23 the side of the bed.
- 24 A. Yes.
- 25 Q. Then he sat up.

Ms. Ramirez - Cross - Ms. Cesare

- 1 A. Yes.
- 2 Q. And he tried to kiss you.
- 3 A. He hugged me and kissed me.
- 4 Q. And he kissed your neck.
- 5 A. Yes.
- 6 Q. And you pulled away?
- 7 A. It's not that I got away, I just put up my hands to
- 8 shove him a little.
- 9 Q. Okay. And he stopped, right?
- 10 A. No.
- 11 Q. You told him I don't want to kiss you? And you told
- 12 him I don't want to do this, right?
- 13 A. Yes.
- 14 Q. And then he let go?
- 15 A. No.
- 16 Q. Never let go?
- 17 A. After several times.
- 18 Q. After several kisses?
- 19 A. Several, yes.
- 20 Q. And he kissed you on your neck, right?
- 21 A. One other time.
- 22 Q. Where else did he kiss you?
- 23 A. The cheek.
- 24 Q. And you made clear that you didn't want that to
- 25 happen and he did let you go, right?

Ms. Ramirez - Cross - Ms. Cesare

1 A. I made him see that I did not want that to be
2 happening, and after that, he let me go.

3 Q. And then he said to you that I'm an old man, but I
4 can have sex.

5 A. That happened when I came into the room.

6 Q. Oh, he said that to you before he kissed you?

7 A. I really don't remember whether it was before or
8 after, he just said don't be scared. It seems to that
9 that happened when I sat on the bed.

10 Q. Now, you've --

11 A. I don't want to have sex with you. I know that there
12 are people who are my age who are unable to, but I can.

13 Q. Okay. He was telling you that even though he was old
14 and fat, he still had the ability to have sex with you.

15 A. He just said on account of his age.

16 Q. Okay. Now, you've talked about this incident with
17 the investigators in the case, right?

18 A. Yes.

19 Q. You were flown here in February of 2011 to talk about
20 what happened, right?

21 A. Yes.

22 Q. And you made your best -- when you spoke to the
23 investigators in February 2011, you were as accurate as
24 you were able to be when you talked about what happened?

25 A. Yes, I tried to remember everything.

Ms. Ramirez - Cross - Ms. Cesare

1 Q. Okay. And when you spoke again, you were asked about
2 the same incident. And you -- is that right?

3 A. Yes.

4 Q. And you said, when you pulled away, Joseph Yannai
5 said to you, I can have sex, some men my age can't, but I
6 can.

7 A. I remember having said that to Frank.

8 Q. So you -- your best recollection is that he said that
9 to you after you pulled away from him?

10 A. What I remember now is that he said that to me
11 before, but that's happened so long ago.

12 Q. But he also said to you, after he told you that some
13 men my age have sex -- can't have sex but I can, he also
14 said to you I won't have sex with you, you're not my
15 type.

16 A. That is correct.

17 Q. And he said that to you after you refused his
18 advances, right?

19 A. I don't remember whether it was before or after, but
20 he did say that.

21 Q. Okay. And you had this conversation with him in his
22 bedroom.

23 A. I believe so.

24 Q. Okay. And after the conversation, you walked out of
25 the room.

Ms. Ramirez - Cross - Ms. Cesare

1 A. I don't remember what I may have done after the
2 conversation.

3 Q. You didn't remain in Mr. Yannai's bedroom?

4 A. Probably not, but I don't remember.

5 Q. He certainly didn't try and keep you in his bedroom.

6 A. No.

7 Q. You were free to leave.

8 A. Yes.

9 Q. And that was in the middle of the day, and do you
10 recall how you spent the afternoon after that?

11 A. No.

12 Q. Now, you talked about the goodnight kissing, right,
13 do you remember?

14 A. Yes.

15 Q. Joseph Yannai told you that he would like to kiss you
16 goodnight, each night you were there.

17 A. That he liked me to give him a kiss.

18 Q. And you did, right?

19 A. Yes.

20 Q. So before you went to bed at night, would you go to
21 wherever he was sitting and give him a kiss?

22 A. Yes.

23 Q. And, you know, you walked -- you kissed him of your
24 own free will?

25 A. He would say, come say goodnight.

Ms. Ramirez - Cross - Ms. Cesare

1 Q. Okay. Did you ever say I don't want to do that?

2 A. The first time, but since it was a goodnight kiss,
3 supposedly he was a part of my family, and I gave him a
4 goodnight kiss on the cheek.

5 Q. Okay. And the next night you went to kiss him again?

6 A. Which night?

7 Q. Well, you kissed him every night you were there,
8 right?

9 A. I think so.

10 Q. Kissed him goodnight even after the day he
11 propositioned you in his bedroom.

12 A. He did not make any promises, he was just hugging me
13 and kissing. And, yes, that night, I also planted a kiss
14 on him.

15 Q. Well, when he hugged you and kissed you in his
16 bedroom, you understood that was an invitation to join
17 him in bed, right?

18 MS. JAGER: Objection.

19 THE COURT: Overruled.

20 THE WITNESS: No.

21 Q. So you're -- when you -- when you're in his bedroom
22 and he reached and tried to kiss you, you didn't think he
23 was inviting you to get in bed with him?

24 A. He was kissing me and hugging me and consoling me
25 because I was sad without my mom, and he was making game

Ms. Ramirez - Cross - Ms. Cesare

1 plays in my head.

2 Q. You really knew, I mean, you knew, as a grown woman,
3 that he was kissing you because he wanted you to get in
4 bed with him, right?

5 MS. JAGER: Objection.

6 THE COURT: Overruled.

7 THE INTERPRETER: I'm sorry, Judge, I didn't
8 hear.

9 THE COURT: She can answer the question.

10 THE INTERPRETER: Okay.

11 THE WITNESS: No, I did not -- he wanted me to
12 go into his bed. I thought that he might grab me by
13 force, but I never thought that he wanted me on my own to
14 be in his bed. Those are mind games he played with me
15 all the time.

16 Q. He -- did -- he didn't force you to sit on his bed,
17 did he?

18 A. No.

19 Q. He didn't say he was going to hurt you if you didn't
20 come and sit on his bed?

21 A. No.

22 Q. And when you said I don't want this and you pushed
23 away, he let go?

24 A. No.

25 Q. He did let go after he kissed you, right?

Ms. Ramirez - Cross - Ms. Cesare

1 A. After 20 minutes.

2 Q. 20 minutes of kissing?

3 A. Yes.

4 Q. He kissed your neck for 20 minutes?

5 A. No. He had -- he was hugging me for 20 minutes.

6 Q. And are you saying he hugged you for 20 minutes
7 before or after he told you he would not have sex with
8 you?

9 THE COURT: She'll answer it again.

10 THE WITNESS: Could you repeat the question,
11 please?

12 Q. Was this 20 minutes of hugging and kissing before or
13 after he said I'm not going to have sex with you?

14 A. I don't remember.

15 Q. Now, when you arrived at Joseph Yannai's house, you
16 had your own passport, right?

17 A. Yes.

18 Q. Had a credit card?

19 A. Yes.

20 Q. You had money?

21 A. Yes.

22 Q. And you -- what was your plan -- did you have a plan
23 before you arrived at his house for how you would leave
24 if you didn't like the job?

25 A. No.

Ms. Ramirez - Cross - Ms. Cesare

1 Q. You had no back-up plan?

2 A. No.

3 Q. But didn't you say at the beginning of your -- of
4 this testimony, that you were just going there to
5 interview for the job?

6 A. I did not say interview, I said approve.

7 Q. I beg your pardon?

8 A. I did not say that I came for an interview. I said I
9 came to check whether I liked it, approve it.

10 Q. Okay. And what were you going to do if you did not
11 like the job?

12 A. Go back to my country.

13 Q. Okay. And that's what you did, right?

14 A. Yes.

15 Q. Now, you spoke on Tuesday of July 11th, you had
16 numerous e-mail communications with your boyfriend,
17 right?

18 A. Yes.

19 Q. You said you probably sent five or six e-mails to him
20 that day.

21 A. I don't remember how many.

22 Q. About how many?

23 A. Perhaps six.

24 Q. Okay. And you told your boyfriend that Joseph told
25 you that whenever you wanted to leave, he wouldn't ask

Ms. Ramirez - Cross - Ms. Cesare

1 any questions, he'd just take you to the airport.

2 A. Among other things.

3 Q. Okay. And he told you -- and you sent this e-mail to
4 your boyfriend on Tuesday, the day before you left the
5 Yannai house, right?

6 A. Yes.

7 Q. So on Tuesday, you knew that if you wanted to leave,
8 Joseph would take you to the airport.

9 A. He had mentioned it several times.

10 Q. Okay. And you told your boyfriend that actually Joe
11 is a pleasant person.

12 A. Yes.

13 Q. You know, he wasn't awful the whole time, right?

14 A. When I said pleasant, I meant that he didn't ask me
15 for things screaming at me.

16 Q. Okay. And you went out to dinner every single day
17 you were there.

18 A. I remembered twice.

19 Q. Okay. Well, you told your boyfriend that you went
20 out to dinner every day.

21 A. I was only there for three days.

22 Q. Well, you were there from Saturday until Wednesday.
23 Sunday night you went out to dinner, right?

24 A. No.

25 Q. Monday night you went out to dinner?

Ms. Ramirez - Cross - Ms. Cesare

1 A. Yes.

2 Q. Tuesday you went out to dinner?

3 A. Yes. Yes, two days.

4 Q. And you also said -- you told your boyfriend that
5 everything Joseph had told you about the house was true.

6 A. True.

7 Q. It's a very nice house.

8 A. Yes.

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Ms. Ramirez - Cross - Ms. Cesare

1 Q. And there was a pond or a lake in the back.

2 MS. JAGER: Objection.

3 THE COURT: On what ground?

4 MS. JAGER: Relevance.

5 THE COURT: Yeah. All right.

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Ms. Ramirez - Cross - Ms. Cesare

1 Q. And that it was all very nice.

2 THE COURT: Is that a direct quote?

3 MS. CESARE: No.

4 THE WITNESS: I don't remember if I said that.

5 Q. I beg your pardon?

6 A. I don't remember whether I said that.

7 THE CLERK: Can you pull the mic closer to you?

8 THE INTERPRETER: Sorry.

9 Q. Now, you never told Joseph Yannai's wife about what
10 happened in the bedroom, did you?

11 A. No.

12 Q. You never told her that he was hitting on you? You
13 never told Joseph's wife that he was hitting on you?

14 A. No.

15 Q. He said things to you that made you feel better.

16 A. Yes.

17 Q. And he spanked you on the bum once.

18 A. True.

19 Q. And he grabbed your bum one time while you were
20 walking up the stairs.

21 A. Yes.

22 Q. And he made a pass at you while you were in his
23 bedroom.

24 A. Yes.

25 Q. But he never forced you to go anywhere.

Ms. Ramirez - Cross - Ms. Cesare

1 A. No.

2 Q. He never forced himself on you sexually?

3 A. No.

4 Q. Never assaulted you sexually?

5 A. Yes.

6 Q. You mean the kissing?

7 A. Yes, and the touching and the kissing, just the
8 kissing and the touching.

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Ms. Ramirez - Cross - Ms. Cesare

1 Q. Well, the touching included the spank on the bum,
2 when he touched your bum walking up the stairs.

3 MS. JAGER: Objection.

4 THE COURT: On what grounds?

5 MS. JAGER: Asked and answered.
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Ms. Ramirez - Cross - Ms. Cesare

- 1 Q. And it also included the last night when you kissed
2 him goodnight, and he gave you a tight hug then touched
3 your breast.
- 4 A. What, you mean the last time?
- 5 Q. Yeah, the last night when he gave you that kiss.
- 6 A. And he grabbed my breast.
- 7 Q. All right. That was the bedtime kiss, right?
- 8 A. Yes.
- 9 Q. He never threatened -- he never told you that he
10 would hurt you.
- 11 A. No.
- 12 Q. He told you that he would hurt your family.
- 13 A. No.
- 14 Q. Or go find them in Mexico?
- 15 A. No.
- 16 Q. When his wife wasn't there, he took a nap every day.
- 17 A. I don't remember.
- 18 Q. When he was napping, you were alone in the house,
19 right?
- 20 A. Yes.
- 21 Q. And you had access to the computers while you were
22 alone in the house?
- 23 A. He left me working at the computer. It was outside
24 his bedroom.
- 25 Q. And you could use the computers.

Ms. Ramirez - Cross - Ms. Cesare

1 A. Only when he allowed it, and to do his own work.

2 Q. That's not really true because you used the computers
3 to e-mail your boyfriend numerous times. Did you e-mail
4 your boyfriend?

5 A. Yes, behind his back.

6 Q. But you could do it.

7 A. Yes, I was able to do it.

8 Q. And while he was napping, you could've easily walked
9 right out of the house.

10 A. It didn't occur to me.

11 Q. The door wasn't locked.

12 A. But I didn't think of it, I had no place to go. I
13 had my suitcases there.

14 Q. You could go home, couldn't you?

15 A. How?

16 Q. You had a return plane ticket.

17 A. And how was I to get to an airport.

18 Q. And you -- well, Joseph told you he would take you to
19 an airport if you wanted to leave, right?

20 A. Yes, he did tell me that.

21 Q. And you met a Mexican at the store, who told you he
22 would help you give you a ride if you needed it.

23 A. Yes.

24 Q. And you told your boyfriend that a cousin in Boston
25 that you could contact.

Ms. Ramirez - Cross - Ms. Cesare

- 1 A. That I had the telephone number.
- 2 Q. And you know -- you knew how to get to the store in
- 3 town.
- 4 A. No, I did not know how.
- 5 Q. You got there. You went to the store, right?
- 6 A. I got there one day to a delicatessen.
- 7 Q. Right. So you knew how to get to the deli.
- 8 A. Yes, but the telephone didn't work.
- 9 Q. Joseph Yannai never did anything physically to stop
- 10 you from leaving the house.
- 11 A. That is correct.
- 12 Q. And he never threatened to you hurt you if you left
- 13 the house.
- 14 A. No.
- 15 Q. And he said, he said, any time you want to leave,
- 16 I'll take you to the airport, right?
- 17 A. Yes.
- 18 Q. Now, when you entered the United States, you were
- 19 prepared to lie and say you were coming here for tourism,
- 20 right?
- 21 A. Yes.
- 22 Q. And the reason you brought a round trip ticket that
- 23 had a return flight a month later, was so you could
- 24 convince the immigration authorities that you were coming
- 25 here for tourism.

Ms. Ramirez - Cross - Ms. Cesare

- 1 A. No.
- 2 Q. But you told Joseph -- you were interested in
- 3 spending a year at Joseph's house, right?
- 4 A. Yes.
- 5 Q. And you didn't buy a flight, a round trip ticket that
- 6 had a return flight a year away.
- 7 A. No.
- 8 Q. And a return ticket that would have you coming back a
- 9 month later.
- 10 A. Yes.
- 11 Q. And you did that because you knew that if you had a
- 12 one year ticket, the immigration wouldn't let you in the
- 13 country.
- 14 A. I did not buy my ticket that way for that reason.
- 15 Q. Why did you buy it that way?
- 16 A. Because I wanted to come and try out first, and I
- 17 thought that one month would be enough.
- 18 Q. All right. So you knew that -- you were prepared to
- 19 leave if you didn't like it.
- 20 A. Yes.
- 21 Q. Okay. The prosecutors also got you a lawyer, right?
- 22 A. Yes.
- 23 Q. They found a lawyer and got you in touch with that
- 24 lawyer, right?
- 25 A. I asked for one.

Ms. Ramirez - Cross - Ms. Cesare

- 1 Q. Uh-huh. And did you go get your own lawyer?
- 2 A. No. I asked them for --
- 3 Q. And the prosecutors picked a lawyer and gave you a
- 4 lawyer.
- 5 A. I don't know what the procedure is.
- 6 Q. You didn't select your own lawyer though.
- 7 A. No.
- 8 Q. And that lawyer worked out an immunity agreement for
- 9 you. Right?
- 10 A. Yes.
- 11 Q. So you don't have to worry about being prosecuted for
- 12 lying to immigration.
- 13 A. That is correct.
- 14 Q. Now, you talked in your direct testimony about the
- 15 doors and how you said Joseph didn't want you closing the
- 16 doors while you were in the house.
- 17 A. Yes.
- 18 Q. Isn't it more accurate to say he didn't want you to
- 19 lock the doors?
- 20 A. No. He did not want the doors to be closed.
- 21 Q. Well, you wrote in one of your e-mails to your
- 22 boyfriend on Tuesday, July 11th, you told him that Joseph
- 23 didn't want you to lock the doors.
- 24 A. Yes.
- 25 Q. GX-3500 LR-15A. Did Joseph go to the doctor's office

Ms. Ramirez - Redirect - Ms. Jager

1 while you were at his house?

2 A. No. I don't know.

3 Q. Did he ever leave you alone in the house?

4 A. Yes. What -- yes.

5 Q. On one of the days he left and left you home alone.

6 A. Yes.

7 MS. CESARE: I have no further questions.

8 MS. JAGER: A few questions, Your Honor.

9 REDIRECT EXAMINATION

10 BY MS. JAGER:

11 Q. Just a few more questions, Ms. Ramirez. Ms. Cesare
12 asked you on cross-examination questions about your
13 knowledge of English. Was there a reason why you didn't
14 become fluent in English after 10 months in England?

15 A. Yes. Because I spent all the time speaking in
16 Spanish with my boyfriend who is now my husband.

17 Q. Is that where you met Hector?

18 A. That is correct.

19 Q. Now, are you able to read and speak English but in a
20 limited fashion?

21 A. That is correct.

22 Q. And the defendant knew that, right?

23 A. True.

24 Q. Because you had spoken to him briefly on the phone.

25 A. Yes.

Ms. Ramirez - Redirect - Ms. Jager

1 Q. And he also referenced it in an e-mail to you; isn't
2 that right?

3 A. True.

4 Q. I'm showing you what's been marked, oh excuse me,
5 what's in evidence as Government's Exhibit 508. Can I
6 publish to the jury please? Here, can you read the
7 highlighted portion here?

8 A. "You will help me understand and yes, even translate.
9 And I know your limitation in English."

10 Q. Thank you.

11 The defense attorney also asked you questions about
12 Defendant's Exhibit D-1 we published to the jury.

13 A. True.

14 Q. And when did you first see this photograph, after you
15 left the defendant's house or before you arrived there?

16 A. After I got out of the house.

17 Q. And what country were you in when you first saw this
18 picture?

19 A. In my own.

20 Q. After you left his house.

21 A. Yes.

22 Q. You were also asked about how you had e-mailed Hector
23 and told him that Joseph said he would take you to the
24 airport. When the defendant told you that he would take
25 you to the airport, did you believe him?

Ms. Ramirez - Redirect - Ms. Jager

1 A. No, not ever.

2 Q. Did you try to -- there was also reference to an
3 acquaintance friend of yours in Boston.

4 A. True.

5 Q. Did you ever try to contact that person?

6 A. The day I was leaving.

7 Q. And what happened when you tried to contact him?

8 A. He said he was busy. We were not very close.

9 Q. Was he able to help you?

10 A. No.

11 Q. You were also asked questions about when you were in
12 the defendant's bedroom and he held you for what you
13 described as about 20 minutes. Were you able to push him
14 away?

15 A. No.

16 Q. Did you try to push him away while he was kissing you
17 and holding you?

18 A. Yes.

19 Q. And how did you feel after he held you and kissed you
20 on the neck for those 20 minutes and wouldn't let you go
21 with you pushing against him? What were you thinking?

22 A. I felt alone. I was very afraid that perhaps he
23 might rape me. We were alone. It did not seem to me
24 that anybody would be able to hear me if I were to shout.
25 I thought that I would have to leave on my own and I had

Ms. Ramirez - Recross - Ms. Cesare

1 to do it intelligently.

2 Q. Now after you pushed him away in the bedroom and you
3 told him you didn't want to be touched, the defendant --
4 eventually that 20 minutes ended, but the defendant
5 touched you again, right?

6 A. Can you repeat that please?

7 Q. After the incident in the bedroom when he was holding
8 you and kissing you and you said you didn't want to be
9 touched and you tried to push him away, he didn't stop
10 touching you, right? In fact, Tuesday night, the night
11 before you left, he touched you again.

12 A. That is correct.

13 Q. And what did he do that night?

14 A. He touched me on the breast.

15 Q. And did he just touch you on the breast?

16 A. No. He embraced me. He was grabbing me with one
17 hand and with the other one he was touching my breast and
18 squeezing and kissing me on the lips.

19 MS. JAGER: One moment, Your Honor.

20 No further questions.

21 RECROSS-EXAMINATION

22 BY MS. CESARE:

23 Q. Did you ever ask Joseph to take you to the airport?

24 A. No.

25 Q. When you e-mailed your boyfriend, you told your

Ms. Ramirez - Recross - Ms. Cesare

1 boyfriend you were not afraid that Joseph was going to
2 rape you. Didn't you tell him that?

3 A. Yes. I told him that once because I wanted to
4 persuade myself that that was not about to happen.

5 Q. So you wrote in an e-mail to your boyfriend on
6 Tuesday, July 11th that no fear that Joseph was going to
7 rape you.

8 A. True.

9 Q. And you also told your boyfriend that Joseph told you
10 he would take you to the airport whenever you wanted to
11 leave, he wouldn't ask you any questions and that -- and
12 then right after that, you also said they've taken me to
13 dinner every day and actually, he is a pleasant person.

14 A. Yes, I did say that.

15 Q. And you said that to your boyfriend in an e-mail that
16 you wrote on Tuesday, July 11th, the day before you left.

17 A. Yes. Excuse me. The last part was --

18 Q. That was the day before you left.

19 A. True.

20 Q. You wrote an e-mail to Hector where you talked about
21 whether or not you worried that he might rape you or
22 something like that.

23 MS. JAGER: Reference please.

24 Q. This is Government's Exhibit 3500 LR-15 and 15-A.

25 And you asked and you -- do you remember saying to him --

Ms. Ramirez - Recross - Ms. Cesare

1 talking to him about whether or not you felt safe?

2 A. Yes, I remember.

3 Q. And you asked him in a rhetorical -- you answered in
4 a rhetorical fashion to him, "How would you feel if you
5 couldn't lock the doors, if you couldn't write whenever
6 you wanted to the people you love?" Do you remember
7 writing that?

8 A. Yes.

9 Q. Okay.

10 A. I remember that perfectly.

11 Q. "And if there was a fat, hairy, repulsive old man
12 calling you to bring him coffee who takes advantage and
13 hugs you at the same time he kisses you on the neck and
14 grabs your ass." Do you remember writing that?

15 A. Yes, perfectly well.

16 Q. And you said now, "I don't feel that he might rape me
17 or something like that. He does like to grope me and
18 things like that, which is not up for discussion. I
19 don't like to be groped by him."

20 A. Yes, I remember.

21 Q. And when you told Hector that you weren't afraid that
22 the defendant might rape you, why did you write that?

23 A. Because he couldn't be out of it. There was no
24 reason for me to worry him any further. And it was a way
25 of calming myself, which is what I really wanted to

Ms. Ramirez - Recross - Ms. Cesare

1 think.

2 Q. Were you in fact afraid that the defendant might rape
3 you?

4 A. Yes. There were times when I was afraid.

5 MS. CESARE: No further questions.

6 MS. JAGER: Nothing further.

7 THE COURT: You can step down. Thank you.

8 (Witness excused.)

9 THE COURT: All right. Ladies and gentlemen,
10 we're going to recess until tomorrow at 10 o'clock.

11 (Jury excused.)

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Proceedings

1 THE COURT: Okay.

2 MS. STONE: Your Honor, may we just be heard
3 about one thing briefly concerning testimony tomorrow?
4 Your Honor, there was some discussion concerning one of
5 the Government's witnesses, Vanessa Stenzel, who took a
6 trip to Michigan with the defendant. And the Government
7 agreed that we would not elicit any testimony from
8 Ms. Stenzel concerning a sexual encounter with a 16-year-
9 old minor while they were on this trip.

10 And I just wanted to be very clear that what
11 our intention is, is that we will be eliciting an act
12 concerning a sexual encounter between the defendant and
13 Ms. Stenzel. No one else was present. The minor was not
14 present. We will not be mentioning the minor. We will
15 not be eliciting any testimony. I think there was a
16 little bit of confusion as to whether this minor was
17 present during the act that we intend to elicit. She was
18 not and we will not be doing so.

19 We also, though, did want to move to preclude
20 various defense exhibits that have been proposed
21 concerning Ms. Stenzel. They gave us a list that
22 included several homemade videos that Ms. Stenzel took
23 during her time that she was working and living in the
24 home. These are videos that show her on the trip to
25 Michigan. They show her showing the house, videos that

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1 she would agree she's happy. She's taking them. They
2 describe her state of mind at the time.

3 There's nothing about these videos that are at
4 all inconsistent with anything she's going to testify to.
5 And we would request from the defense what evidentiary
6 basis there possibly could be. It seems to be an attempt
7 to convince the jury or prejudice them rather into
8 believing that these few minutes of planned videos that
9 Ms. Stenzel took were demonstrative of her state of mind
10 during the three months that she lived in the defendant's
11 house.

12 THE COURT: What is the planned video?

13 MS. STONE: Well, she -- I mean, these are ones
14 that she took that were orchestrated. They weren't at
15 all just like a running camera of her life in the house.
16 These were several-minute little videos, happy little
17 movies that she took.

18 THE COURT: I don't understand, happy little
19 movies of what?

20 MS. STONE: They're -- that's what we're
21 saying. We're asking what the relevance is of these
22 defense exhibits. They are videos of her when she's
23 walking around Michigan, walking around New York City,
24 showing the defendant's home.

25 MS. STONE: We haven't offered any New York

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1 City videos. We've offered three videos of Vanessa
2 Stenzel that Vanessa Stenzel took inside of Mr. Yannai's
3 home, the front of his house, inside his house and in the
4 backyard of his house. She gives a tour of the house
5 through all the rooms in the house. Mr. Yannai is on it.
6 Some -- one of the other witnesses is on the videos.
7 It's a present sense impression of what was going on in
8 the house.

9 MS. STONE: I don't understand what that means,
10 a present sense impression. It's not a video --

11 THE COURT: Well, I assume that makes it an
12 exception to the hearsay rule other than that I don't
13 know what that means either.

14 MS. STONE: I just -- I would ask that there be
15 an actual evidentiary basis for these videos.

16 THE COURT: I don't know. What are they being
17 offered for?

18 MS. CESARE: It's relevant to show there was no
19 climate of fear inside that house.

20 THE COURT: And at what point were they taken?

21 MS. CESARE: One was taken at the beginning of
22 her stay within the first -- Vanessa Stenzel spent
23 approximately three months at Mr. Yannai's home. One of
24 the videos was taken within the first few weeks of her
25 arrival there. We don't have an exact date. And the

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1 second two home videos were taken at the end of her stay
2 after her trip to Michigan after other significant
3 events.

4 There's -- so those are -- I'm talking video
5 one, video three and video four. And video two is a
6 video Vanessa took outside of the hotel in Michigan.
7 She's all by herself showing how beautiful it is.

8 THE COURT: What's the relevance of that?

9 MS. CESARE: To show that there was -- that she
10 -- there was no atmosphere of fear or coercion. She was
11 happy to be there, happy to be with Mr. Yannai.

12 THE COURT: I don't know that is shows that.
13 You can -- I'm inclined to admit it, but I don't want to
14 make any decision until I hear the direct testimony. I
15 -- you know, I can't -- I need a picture of what this
16 witness is going to testify to and what happened before I
17 know precisely what I would do with this.

18 MS. CESARE: With respect to the 404(b) issue
19 on the trip to Michigan, our understanding is that Mr.
20 Yannai was in Michigan for two nights. And I just want
21 -- request that the Government proffer a little more
22 clearly what they expect to bring into evidence. Is
23 there -- are you -- is the Government going to bring into
24 evidence that there was a sexual assault on the first
25 night of the stay in Michigan and then bring in no

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1 testimony about the second night in Michigan?

2 MS. STONE: Your Honor, just to be clear, this
3 goes to the actual crimes that have been charged. It's
4 not being offered as a separate bad act. What we intend
5 to elicit is that there was a forced sexual encounter, or
6 rather I should I say a non-consensual sexual encounter
7 between Ms. Stenzel and Mr. Yannai the first day of the
8 Michigan trip. We will not elicit any testimony after
9 the first day, which is when the minor would be a witness
10 and involved.

11 MR. SCHNEIDER: A couple of issues, we
12 requested Giglio material. The Government says they're
13 going to get to us. They're the CHI visa applications
14 for two of the witnesses. But we're certainly going to
15 need those before those witnesses testify.

16 And also, I asked before if the Government
17 knows of any witnesses they're not going to call if
18 they'd tell us, and it's going to become relevant because
19 I don't want to be asking witnesses questions relevant to
20 some woman who's not going to testify whether she saw
21 that person, whether she saw that person being forced to
22 do something. So I'd like to know if one of -- any of
23 the eight witnesses the Government has decided not to
24 call as a witness.

25 THE COURT: Well, they went through the names

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1 of eight people by my count --

2 MR. SCHNEIDER: I --

3 MR. SPECTOR: Judge --

4 THE COURT: -- when they asked -- I forget
5 which one. I think it was the last witness.

6 MR. SCHNEIDER: Judge, I don't care --

7 THE COURT: They asked whether the -- one of
8 the witnesses heard, and I was counting just because I
9 was curious as to how many witnesses I would have to
10 listen to. And it got to eight.

11 MR. SCHNEIDER: But that would make nine if
12 they asked for that. But it --

13 MR. SPECTOR: Judge, just to be clear as we
14 said before, we're -- I think it's unlikely we're going
15 to call Andrea Kramer. It's also at this point unlikely
16 we're going to call Isabelle Krintz. But we say that
17 with the caveat that we may change our minds about one or
18 both of those.

19 THE COURT: That's fine.

20 MS. CESARE: Who's on deck for tomorrow?

21 MR. SPECTOR: Stenzel.

22 THE COURT: One witness the whole day?

23 MR. SPECTOR: We'll see how it goes. This
24 witness will probably be somewhat longer.

25 MS. CESARE: Especially --

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1 MR. SPECTOR: We'll have another one available
2 if we need to obviously, yes.

3 THE COURT: This last witness took a little
4 under four hours by my count, well, three and a half --

5 MR. SPECTOR: She was only there for five days.
6 This one was there for three months.

7 THE COURT: Hmm?

8 MR. SCHNEIDER: She was only there for five
9 days. The next one was there for three months.

10 MR. SPECTOR: We'll be ready to fill the day if
11 we need to, Judge.

12 Oh, I'm sorry, just on Giglio just for the
13 record, we had filed an under seal Giglio letter as to
14 witness Yagoub. Just want to confirm the defense and the
15 Court received that.

16 THE COURT: I assume you're getting to them.

17 MR. SCHNEIDER: Yes, we are.

18 MR. SPECTOR: Yes. Thank you.

19 MS. JAGER: What about that other stuff, the --

20 MR. SPECTOR: Oh, right. On the T visa -- I'm
21 sorry. We'll put it on the record when the Judge is
22 ready.

23 (Pause)

24 THE CLERK: Judge, as the jurors were being
25 excused for the day, Juror No. 4 asked to speak to me

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1 outside the presence of the other jurors. She related
2 that she has a problem with leaving at this hour when
3 this morning she told me if she left at 6 o'clock it
4 would be acceptable. But that much more seriously for
5 her after hearing today's evidence she has a very strong
6 bias against the defendant, and she stated to me that she
7 could not possibly be fair and impartial.

8 I inquired as to whether or not she said
9 anything to the other jurors. She said she had not. I
10 told her to keep it to herself, I would inform the Court,
11 and that she should be here tomorrow morning as
12 scheduled.

13 THE COURT: Well, what do you want to do about
14 her?

15 MR. SCHNEIDER: We'd like to excuse her.

16 MR. SPECTOR: Judge, let us think about that
17 overnight.

18 THE COURT: Well, that's why she's coming back.
19 Okay.

20 MR. SPECTOR: Well, just to clarify on the T
21 visa issue, we'll provide that to the defense before
22 those witnesses testify.

23 THE COURT: Okay. Anything --

24 MR. SPECTOR: There's a little bit of
25 procedural hurdles involved in getting that material, and

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1 we're actually going to be submitting a motion to the
2 Court.

3 THE COURT: What, the T visa?

4 MR. SPECTOR: Right. There's various rules
5 about privacy concerns with respect to certain portions
6 of it, and there's certain waivers that have to be
7 executed by both the witnesses and their attorneys.
8 We're in the process of getting that done. We'll be
9 coming actually to the Court with --

10 THE COURT: Well, what's in there that's --
11 other than that they said they were coming as tourists?

12 MR. SPECTOR: There's a number of different
13 portions of it, some of which is --

14 MR. SCHNEIDER: Oh, this is -- I'm sorry,
15 Judge. This is a visa two of the witnesses have been
16 provided because they're victims of sex trafficking. So
17 since the investigation started they have obtained visas
18 to remain in the country, and those visas can lead to
19 permanent residency.

20 MS. JAGER: Those applications contain a
21 significant amount of personal information about the
22 applicants. They're extensive immigration papers.

23 THE COURT: Well, that could be --

24 MS. JAGER: But as part of the --

25 THE COURT: I can't follow your argument.

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1 MR. SCHNEIDER: I'm sorry. Well, it's not so
2 much an argument. The witnesses --

3 THE COURT: I know. But I just want to
4 understand what the, you know, follow the elements --

5 MR. SCHNEIDER: These witnesses who arrived in
6 the country --

7 THE COURT: These are the victim -- two victim
8 witnesses.

9 MR. SCHNEIDER: Yes, who remained in this
10 country.

11 THE COURT: After they came to work for
12 Mr. Yannai and they stayed in the country after this.

13 MR. SCHNEIDER: That's right.

14 THE COURT: And then what?

15 MR. SCHNEIDER: And then when the case was
16 investigated they applied for and were granted something
17 called a T visa, which is a visa reserved for victims of
18 sex trafficking. And the T visa allows them to work in
19 the country, allows them to remain in the country and
20 allows them to convert it to a green card after a certain
21 amount of time.

22 THE COURT: So if they stipulated all this
23 happened, why isn't that enough?

24 MR. SPECTOR: Well, Judge, the issue is that
25 that application does contain 3500 material because the

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1 witness described the abuse. And we're prepared to turn
2 that over as part of 3500. There's just some procedural
3 hurdles in getting the applications. So we're in the
4 process of taking care of that.

5 THE COURT: But you must have them.

6 MR. SPECTOR: Well, no.

7 THE COURT: How do you know what's in them?

8 MR. SPECTOR: We know what the applications
9 look like generally. They ask for that information.

10 THE COURT: Okay.

11 MR. SPECTOR: Thank you.

12 THE CLERK: Be here at 9:45 counsel please.

13 THE COURT: Who did she say was not going to
14 testify?

15 (Matter adjourned)

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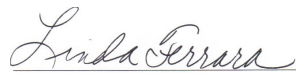
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C E R T I F I C A T E

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 23rd day of May, 2011.



Linda Ferrara

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